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No. 18] NEW DELHI, APRIL 25—MAY 1, 2004, SATURDAY/VAISAKHA 5—VAISAKHA 11, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 20 अप्रैल, 2004

का०आ० 1044.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक सरकार, बंगलौर के गृह और परिवहन विभाग (अपराध) द्वारा जारी अधिसूचना सं० एचडी 18 पीसीआर 2004 दिनांक 13-2-2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री अरुण शेट्टी, पूर्व सहायक प्रबंधक, विजया बैंक, मूरे स्ट्रीट ब्रांच, चेन्नई, श्री गौतमराज सुराना, अध्यक्ष, मैसर्स सुराना ज्वेलरी लि०, श्री विजयराज सुराना, प्रबंध निदेशक, मैसर्स सुराना ज्वेलरी लि०, मैसर्स सुराना ज्वेलरी लि०, नं० 16, व्हाइट रोड, द्वितीय तल, रोयापेटाह, चेन्नई-14 और मैसर्स रुक्मा इंडस्ट्रिज लि०, नं० 12, विनायगा मुदाली स्ट्रीट, सोकारपेट, चेन्नई-79 और किन्हीं अन्य लोक सेवकों अथवा व्यक्तियों के विरुद्ध भारतीय दंड संहिता की धारा 120-बी संपठित भारतीय दंड संहिता की धारा 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) संपठित धारा 13 (1)(डी) के अधीन दंडनीय अपराधों और तत्संबंधी सारवान् अपराधों तथा उक्त अपराधों से संबंधित अथवा संसक्त और

उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उत्पन्न किन्हीं अन्य अपराधों के पंजीकरण और अभ्येचन के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं० 228/28/2004-डी०एस०पी०ई०]

शुभा ठाकुर, अवर सचिव

CABINET SECRETARIAT

New Delhi, the 20th April, 2004

S.O. 1044—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 18 PCR 2004 dated 13-2-2004 issued by the Home and Transport Department (Crimes), Govt. of Karnataka, Bangalore, hereby extends the powers and jurisdiction of the Members of Delhi Special Police Establishment to the whole of the State, of Karnataka for registration and investigation of offences punishable under Section 120-B IPC read with 420 IPC and under Section 13(2) read with 13(1)(d) of Prevention of

Corruption Act, 1988, and substantive offences thereof, against Shri Aruna, Shetty, formerly Assistant General Manager, Vijaya Bank, Moore Street Branch, Chennai, Shri Goutamraj Surana Chairman of M/s. Surana Jewellery Ltd., Shri Vijayraj Surana, Managing Director of M/s. Surana Jewellery Ltd., M/s. Surana Jewellery Ltd., No. 16, Whites Road, 11nd floor, Royapettah, Chennai-14, and M/s. Rukma Industries Ltd., No. 12, Vinayaga Mudali Street, Sowcarpet, Chennai-79, and any other public servants or persons in relation to, or in connection with the said offences, and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/28/2004-DSPE]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 22 अप्रैल, 2004

का०आ० 1045.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं० 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री अबानी साहू, अधिवक्ता, नई दिल्ली को मामला आर०सी० सं० 8(एस)/2001/सी०बी०आई०/एस०सी०आर०-III/नई दिल्ली मुख्य महानगर दण्डाधिकारी दिल्ली के न्यायालय में तथा नई दिल्ली में अपीलों, पुनरीक्षणों और किसी अन्य न्यायालय में उससे सम्बन्धित अथवा अनुषांगिक किसी अन्य विषय का संचालन करने हेतु वरिष्ठ लोक अभियोजक के रूप में नियुक्त करती है।

[सं० 225/3/2004-डी०एस०पी०ई०]

शुभा ठाकुर, अवर सचिव

New Delhi, the 22nd April, 2004

S.O. 1045.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Abani Sahu, Advocate, as Special Public Prosecutor for conducting case No. RC. 8(S)/2001-SCR-III/New Delhi in the Court of Chief Metropolitan Magistrate, Delhi and appeals, revisions in the appellate or revisional court and any other matter concerned therewith or incidental thereto in any other Court.

[No. 225/3/2004-DSPE]

SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 19 मार्च, 2004

(आयकर)

का०आ० 1046.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवां तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं०	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	दि इंडियन लॉ इंस्टीट्यूट, भगवान दास रोड, नई दिल्ली-110001	1-4-99 से 31-3-2002

टिप्पणी :—(i) उपर्युक्त शर्त (i) "संघ" के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

- (ii) अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं० 105/2004/फ०सं० 203/17/1999-आयकर नि०-II]
संगीता गुप्ता, निदेशक (आयकर नि०-II)

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 19th March, 2004

(INCOME TAX)

S.O. 1046.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (iii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;

- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi—110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income-tax Act, 1961 in addition to the return of income-tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which notification is effective
1.	The Indian Law Institute Bhagwandas Road, New Delhi-110001.	1-4-1999 to 31-3-2002

Notes:—(i) Condition (i) above will not apply to the organization categorized as "Institution".

- (ii) The notified Institution is advised to apply in triplicates as well in advance for further renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval should also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 105/2004/F. No. 203/17/1999-ITA-II]

SANGEETA GUPTA, Director (ITA-II)

आदेश

नई दिल्ली, 7 अप्रैल, 2004

स्टाम्प

का०आ० 1047.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय औद्योगिक विकास बैंक, मुम्बई को मात्र तीन करोड़ सत्तासी लाख सोलह हजार आठ सौ रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र सात सौ सत्तापनवे करोड़ पांच लाख साठ हजार रुपये के समग्र मूल्य के आईडीबीआई फ्लैक्सी बंधपत्र-20 के रूप में वर्णित (फिजिकल फार्म में 1388812 बंधपत्रों

तथा डिनेटरलाइज्ड फार्म में 205300 बंधपत्रों) प्रोमिसरी नोटों के स्वरूप के बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाव है।

[सं० 10/2004-स्टाम्प/फ०सं० 33/19/2004-वि०क०]

आर०जी० छाबड़ा, अवर सचिव

ORDER

New Delhi, the 7th April, 2004

STAMPS

S.O. 1047.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Industrial Development Bank of India, Mumbai to pay consolidated stamp duty of rupees three crore eighty seven lakh sixteen thousand eight hundred only chargeable on account of the stamp duty on bonds in the nature of promissory notes described as 'IDBI Flexibonds—20 (1388812 bonds in physical form and 205300 bonds in the dematerialized form) aggregating to rupees seven hundred ninety seven crore five lakh sixty thousand only, to be issued by the said Bank.

[No. 10/2004-STAMP/F. No. 33/19/2004-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 8 अप्रैल, 2004

स्टाम्प

का०आ० 1048.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा लक्ष्मी वित्तस बैंक लिमिटेड, कलकत्ता को मात्र सात लाख बारह हजार पांच सौ रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले निम्न रूप से वर्णित बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाव है—

- (i) मात्र पच्चीस करोड़ रुपये के समग्र मूल्य के प्रोमिसरी नोटों के स्वरूप वाले 7.20 प्रतिशत असुरक्षित विनोध्य अपरिवर्तनीय गौण बंधपत्रों (शृंखला-III);
- (ii) मात्र पन्ध्र करोड़ रुपये के समग्र मूल्य के ऋणपत्रों के स्वरूप वाले 7.20 प्रतिशत असुरक्षित विनोध्य अपरिवर्तनीय गौण बंधपत्रों (शृंखला-III); और
- (iii) मात्र दस करोड़ रुपये के समग्र मूल्य के ऋणपत्रों के स्वरूप वाले 7.40 प्रतिशत असुरक्षित विनोध्य अपरिवर्तनीय गौण बंधपत्रों (शृंखला-III)।

[सं० 11/2004-स्टाम्प/फ०सं० 33/20/2004-वि०क०]

आर० जी० छाबड़ा, अवर सचिव

ORDER

New Delhi, the 8th April, 2004

STAMPS

S.O. 1048.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby

permits Lakshmi Vilas Bank Ltd., Karur, to pay consolidated stamp duty of rupees seven lakh twelve thousand five hundred only chargeable on account of the stamp duty on bonds described as—

- (i) 7.20% unsecured redeemable non-convertible subordinated bonds (Series-III) in the nature of promissory notes aggregating to rupees twenty five crore only;
- (ii) 7.20% unsecured redeemable non-convertible subordinated bonds (Series-III) in the nature of debentures aggregating to rupees fifteen crore only; and
- (iii) 7.40% unsecured redeemable non-convertible subordinated bonds (Series-III) in the nature of debentures aggregating to rupees ten crore only, to be issued by the said Bank.

[No. 11/2004-STAMP/F. No. 33/20/2004-ST]

R. G. CHHABRA, Under Secy.

केन्द्रीय उत्पाद एवं सीमा शुल्क, पुणे-III के आयुक्त का कार्यालय

पुणे, 13 अप्रैल, 2004

संख्या: 1/2004-05 सीमा शुल्क (नॉन टैरिफ)

का०आ० 1049.—भारत सरकार, वित्त कंपनी तथा कार्य मंत्रालय राजस्व विभाग, नई दिल्ली द्वारा दिनांक 1-7-1994 को जारी की गई अधिसूचना संख्या 33/94 सीमा शुल्क (नॉन टैरिफ) के अधीन मुझे प्रदत्त अधिकारों को कार्यान्वित करते हुए, मैं ए० एस० आर० नायर, आयुक्त, केन्द्रीय उत्पाद शुल्क पुणे-III आयुक्तालय, पुणे एतद्वारा महाराष्ट्र राज्य के गाँव :— लोणीकंद तालुका - हवेली जिला पुणे-412216 को सीमा शुल्क अधिनियम 1962 (1962 का 52) की धारा 9 के अधीन तथा 100% निर्यातलक्ष्यी यूनिट स्थापना हेतु वेअरहाउसिंग स्टेशन के रूप में घोषित करता हूँ।

[फा० सं० वी०जी०एन० (30)/415/टीए/04]

ए०एस०आर० नायर, आयुक्त

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE & CUSTOMS, PUNE-III COMMISSIONERATE

Pune, the 13th April, 2004

No. 1/2004-05 CUS (N.T.)

S.O. 1049.—In exercise of the powers conferred on me by the Notification No. 33/94-Cus (N.T.), dated 01-07-1994, of the Government of India, Ministry of Finance & Company Affairs, Department of Revenue, I, A.S.R. Nair, the Commissioner of Central Excise, Pune-III Commissionerate, Pune, hereby declare, Village : Lonikand, Taluka : Haveli Distt. Pune-412216 in the State of Maharashtra to be warehousing station under Section 9 of the Customs Act, 1962 (52 of 1962), for setting up 100% E.O.U.'s.

[F. No. VGN (30)/415/TA/04]

A.S.R. NAIR, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 16 अप्रैल, 2004

का०आ० 1050.—रूपण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उपधारा (2) के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा, डा० जे०के० बागची को दिनांक 13 जुलाई, 2004 तक की आगे की अवधि के लिए अथवा औद्योगिक एवं वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण (एएआईएफआर) के समापन तक अथवा अगला आदेश होने तक, जो भी पहले हो, औद्योगिक तथा वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण के सदस्य के रूप में पुनर्नियुक्त करती है।

[फा०सं० 20(2)2002-आई एफ-II]

कृष्णलाल, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 16th April, 2004

S.O. 1050—In pursuance of the powers conferred by Sub-section (I) of Section 5 read with Sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby re-appoints Dr. J.K. Bagchi, as Member of the Appellate Authority for Industrial and Financial Reconstruction (AAIFR) for a further period upto 13th July, 2004 or till the AAIFR is wound up or until further orders, whichever is the earliest.

[F. No. 20 (2) 2002-IF. II]

KRISHAN LAL, Under Secy.

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 19 अप्रैल, 2004

(आयकर)

का०आ० 1051—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) संगठन अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संगठन प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरेली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संगठन केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर

अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवाँ तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगा।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स दि फाउण्डेशन फॉर मेडिकल रिसर्च, 84-ए, आर०जी० थडानी मार्ग, वर्ली, मुम्बई-400018	1-4-2001 से 31-3-2004

टिप्पणी : (i) उपर्युक्त शर्त (i) "संघ" के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

(ii) अधिसूचित संगठन को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं० 140/2004/फन०सं० 203/13/2003-आयकर नि०-II]

उपमन्यु बसु, निदेशक (आयकर नि०-II)

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 19th April, 2004

(INCOME TAX)

S.O. 1051.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- The organization shall maintain separate books of account for its research activities;
- The notified organization shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- The notified Institution shall submit, on behalf of the Central Government, to (a) The Director General of Income Tax (Exemption) Aayakar Bhawan, 9th and 10th Floor, Sector 3, Vaishali, Ghaziabad,

(b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of Income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s. The Foundation for Medical Research, 84-A, R.G. Thadani Marg, Worli, Mumbai-400018	1-4-2001 to 31-3-2004

Notes : (i) Condition (i) above will not apply to the organization categorized as "Association".

(ii) The notified organisation is advised to apply in triplicates as well in advance for further renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval should also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 140/2004/F. No. 203/13/2003-ITA-II]

UPAMANYU BASU, Director (ITA-II)

नई दिल्ली, 19 अप्रैल, 2004

(आयकर)

का०आ० 1052.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- अधिसूचित संगठन अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, 'टेक्नोलॉजी भवन', न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरण प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति

तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवाँ तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं०	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स मानव विकास केन्द्र रिहैबिलिटेशन एण्ड रिसर्च, इंस्टीट्यूट फार दि हैण्डिकैप्ड (एम० आर० आई० एच०), 482, मादुदा, सैक्टर-जे, प्लॉट I-24, ई० एम० बाईपास, कोलकाता-700078	1-4-2001 से 31-3-2004

टिप्पणी : (i) उपर्युक्त शर्त (i) "संघ" के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

(ii) अधिसूचित संगठन को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियाँ सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं० 141/2004/फ० सं० 203/79/2003-आयकर नि०-II]

उपमन्यु बसु, निदेशक (आयकर नि०-II)

New Delhi, the 19th April, 2004

(INCOME TAX)

S.O. 1052.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution", subject to the following conditions :—

- The notified organization shall maintain separate books of account for its research activities;
- The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-I10016 for every financial year on or before 31st May of each year;
- The notified organization shall submit, on behalf of the Central Government, to (a) The Director

General of Income Tax (Exemption) Aayakar Bhawan, 9th and 10th Floor, Sector 3, Vaishali, Ghaziabad, (b) the Secretary, Department of Scientific and Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of Income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which notification is effective
I.	M/s. Manovikas Kendra Rehabilitation and Research, Institute for The Handicapped (MRIH), 482, Madudah, Sector-J, Plot I-24, E.M. Bypass, Calcutta-700078	1-4-2001 to 31-3-2004

Notes : (i) Condition (i) above will not apply to the organization categorized as "Association".

(ii) The notified Institution is advised to apply in triplicates as well in advance for further renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval should also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 141/2004/F. No. 203/79/2003-ITA-II]

UPAMANYU BASU, Director (ITA-II)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 20 अप्रैल, 2004

का०आ० 1053.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उपखंड (1), खंड 5, खंड 6, खंड 7 और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री टी० एस० नारायणासामी, जो वर्तमान में पंजाब नेशनल बैंक के कार्यपालक निदेशक हैं, को उनके कार्यभार ग्रहण करने की तारीख से 5 वर्ष की अवधि के लिए या अधिवर्षिता की आयु पूरी होने पर या अगला आदेश होने तक, जो भी पहले हो, आंध्रा बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा० सं० 9/20/2003-बी० ओ० 1]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 20th April, 2004

S.O. 1053.—In exercise of the powers conferred by clause (a) of sub-Section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act 1980, read with sub-clause (I) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri T.S. Narayanasami presently Executive Director, Punjab National Bank as Chairman and Managing Director, Andhra Bank from the date of his taking charge of the post for a period of five years or till the date of his superannuation or until further orders, whichever is earlier.

[F. No. 9/20/2003-BO-1]

RAMESH CHAND, Under Secy.

विदेश मंत्रालय

(सी०पी०वी० प्रभाग)

नई दिल्ली, 8 अप्रैल, 2004

का.आ.1054.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास, लिजबन में श्रीमती देविंदर कौर, सहायक के स्थान पर श्री शेखर यादव, सहायक को 08-04-2004 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/1/2004]

उपेन्द्र सिंह रावत, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 8th April, 2004

S.O. 1054.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Shekhar Yadav, Assistant in the Embassy of India, Lisbon to perform the duties of Assistant Consular Officer with effect from 08-04-2004.

[No. T-4330/01/2004]

U. S. RAWAT, Under Secy. (Cons.)

नई दिल्ली, 8 अप्रैल, 2004

का.आ. 1055.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास, पेरिस में श्री. टी. आर. रमेश अड्यर, सहायक के स्थान पर श्री आनंद कुमार, सहायक को 08-04-2004 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2004]

उपेन्द्र सिंह रावत, अवर सचिव (कौंसुलर)

New Delhi, the 8th April, 2004

S.O. 1055.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Anand Kumar, Assistant in the Embassy of India, Paris to perform the duties of Assistant Consular Officer with effect from 08-04-2004.

[No. T-4330/01/2004]

U. S. RAWAT, Under Secy. (Cons.)

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 19 अप्रैल, 2004

का.आ. 1056.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में वाणिज्य विभाग के अंतर्गत आने वाले निम्नलिखित कार्यालयों को एतद्वारा अधिसूचित करती है, जिनके 80 प्रतिशत से अधिक कर्मचारी वृद्ध ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है :—

1. संयुक्त महानिदेशक, विदेश व्यापार का कार्यालय
कुबेर भवन, 9वीं मंजिल,
कमरा नं. 901 एवं 902, कोठी कम्पाउण्ड,
बड़ौदा-390001
2. संयुक्त महानिदेशक, विदेश व्यापार का कार्यालय
“ए” ब्लॉक, 11वीं मंजिल, सरकारी मल्टीस्टोरीज बिल्डिंग,
लाल दरवाजा, अहमदाबाद-380001

[सं. ई-11013/1/2004-हिन्दी]

एल. पी. सैनी, निदेशक (राजभाषा)

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 19th April, 2004

S.O. 1056.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official purposes of the Union) Rules, 1976 the Central Govt. hereby notifies the following offices under D/o Commerce whereof more than 80% Staff have acquired a working knowledge of Hindi :—

1. Office of the Joint Director General of Foreign Trade,
Kuber Bhawan, 9th Floor,
Room no. 901 and 902,
Kothi Compound,
Baroda-390001
2. Office of the Joint Director General of Foreign Trade,
“A” Block, 11th Floor, Govt. M.S. Building,
Lal Darwaja, Ahmedabad-380001.

[No. E-11013/1/2004-HINDI]

L. P. SAINI, Director (O.L.)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

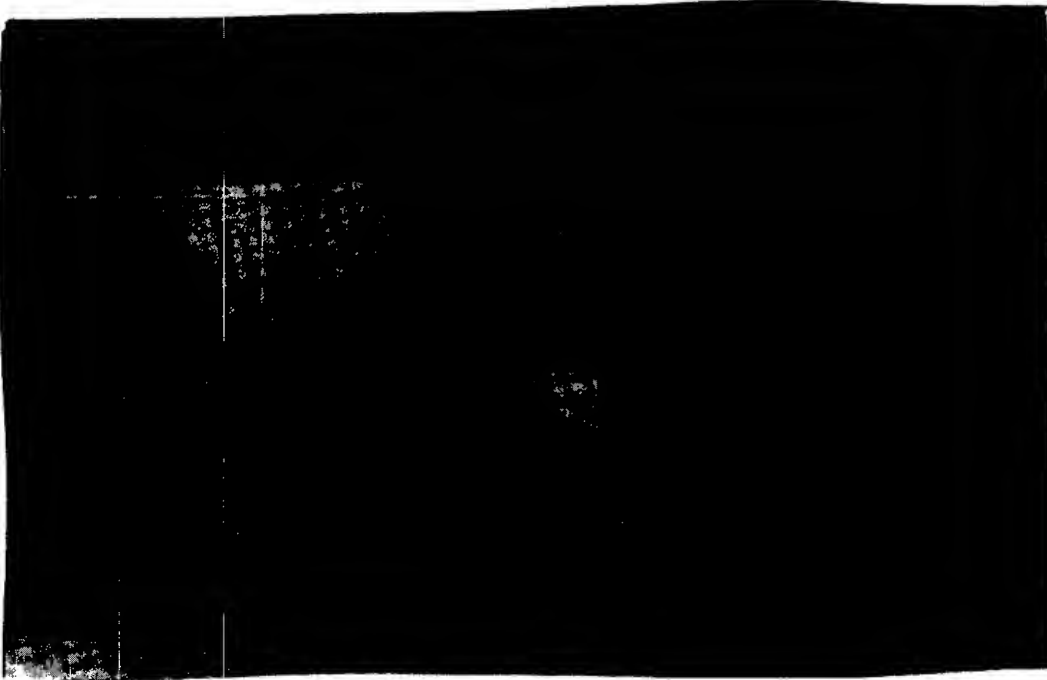
(उपभोक्ता मामले विभाग)

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1057.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मनीष स्केल, 3, शिवाजी नगर, सावरकुण्डला-364575, गुजरात काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "मनीष स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/56 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) एक काउन्टर मशीन है जिसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्राम से 50 कि. ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा.सं. डब्ल्यू. एम.-21(278)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

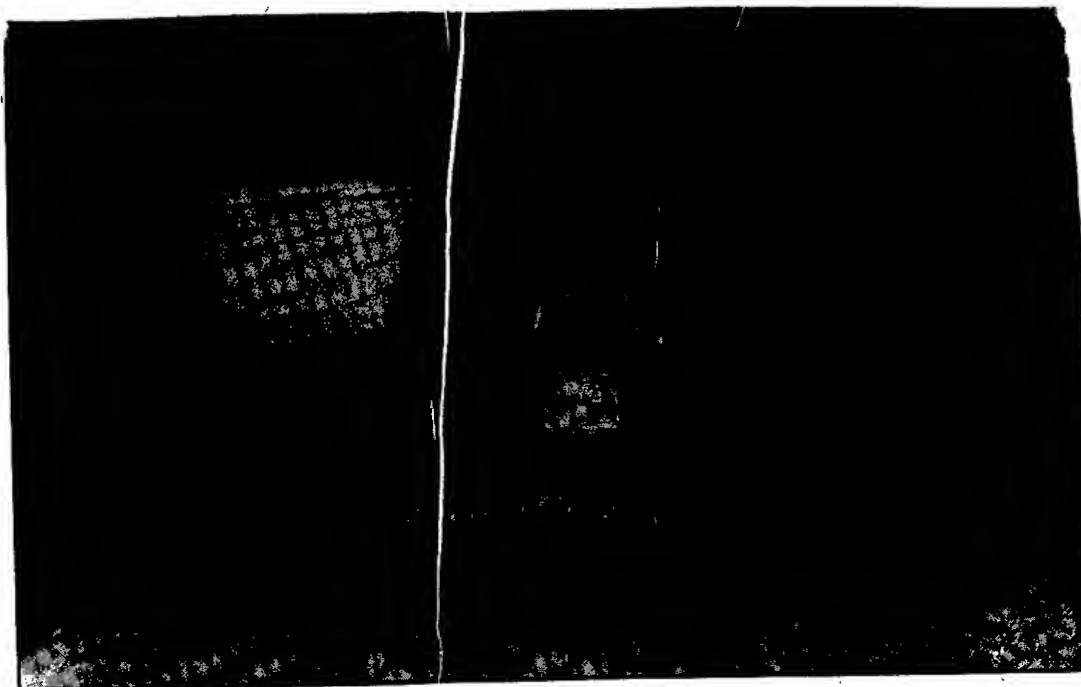
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 15th April, 2004

S.O. 1057.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name **MANISH SCALE**, (herein referred to as the Model), manufactured by M/s. Manish Scale, 3, Shivajinagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/56;

The said model (See the figure) is: a counter machine. The maximum capacity is 10 kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500 g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(278)/2002]

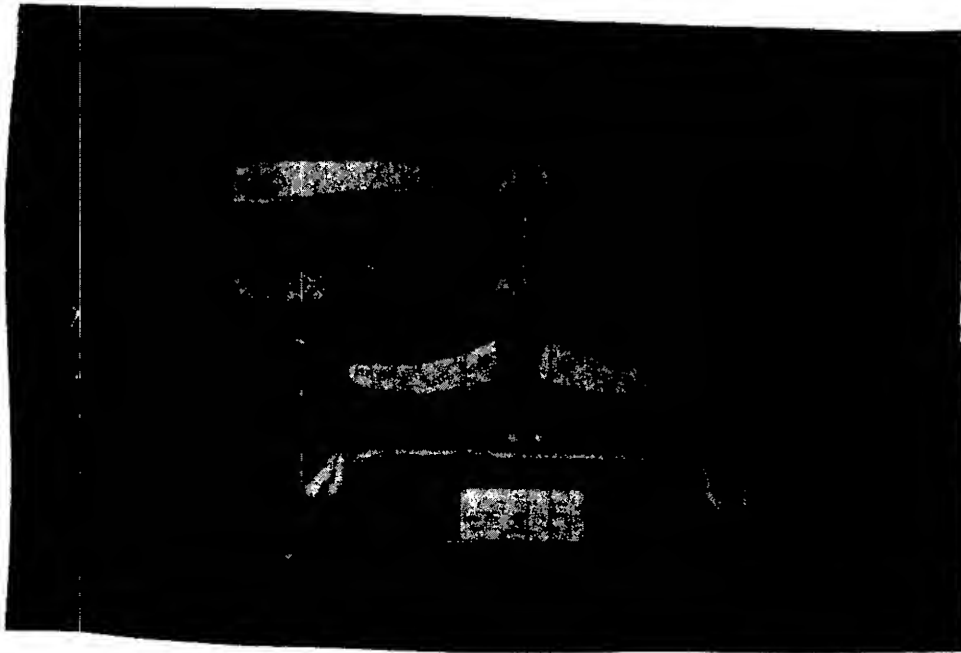
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1058.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सबलाइम स्पेअर्स सर्विसिस, 3371, जांगी कुआं, कूचा पंडित, लाल कुआं, दिल्ली द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "ओट्टो" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/44 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;

उक्त माडल (नीचे दी गई आकृति देखिए) 10 कि.ग्रा. की अधिकतम क्षमता वाली काउंटर मशीन है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्मित किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी क्षमता 500 ग्रा. से 50 कि.ग्रा. तक है।

[फा. सं. डब्ल्यू. एम.-21(164)/2002]

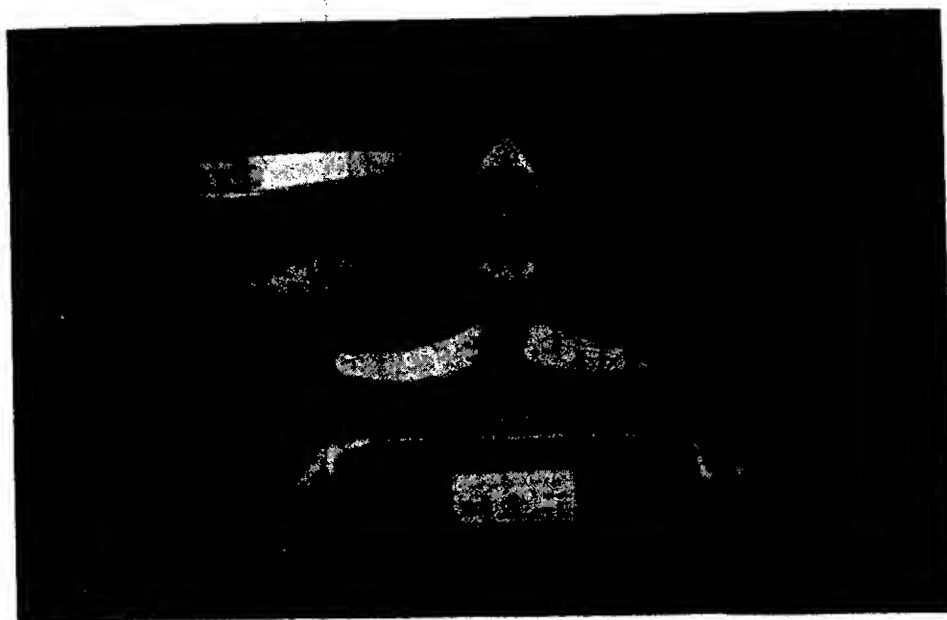
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1058.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter machine with brand name Otto (herein referred to as the said model) manufactured by M/s. Sublime Spares Services, 3371, Jangi Kuan, Kucha Pandit, Lal Kuan, Delhi and which is assigned the approval mark IND/03/09/44;

The said Model (see the figure given below) is a counter machine with maximum capacity of 10 kg.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500 g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(164)/2002]

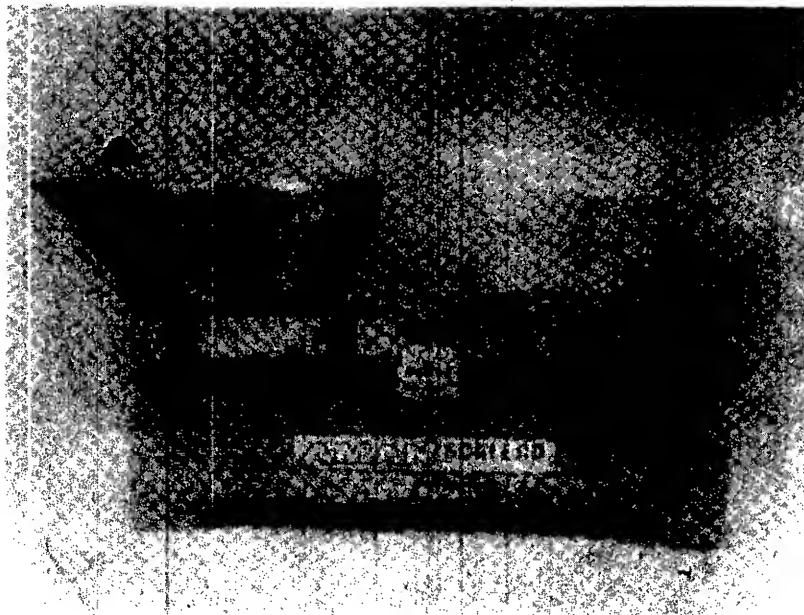
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1059.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अमन स्केल कं. 5, चीवजी नगर, सावरकुण्डला, 364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "अमन स्केल कं." है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/98 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउंटर मशीन है जिसके क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्मित किया गया है, उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के काउंटर मशीन भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(267)/2002]

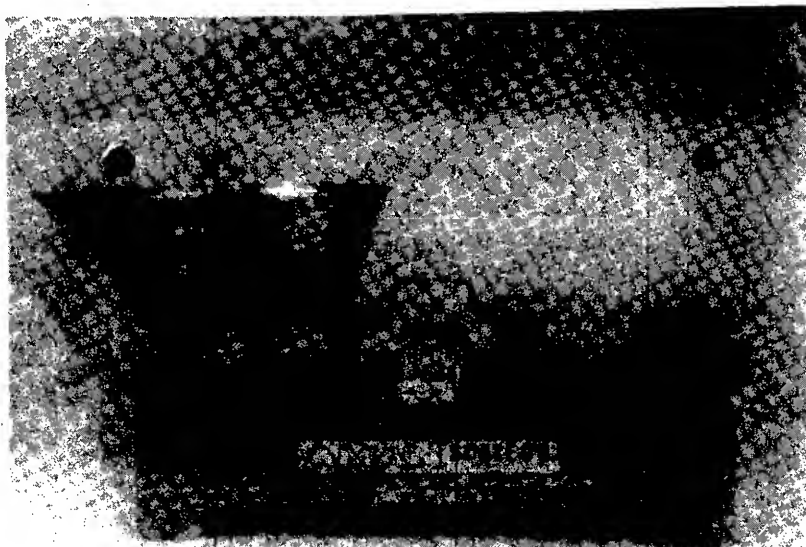
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1059.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Counter Machine with brand name "AMAN SCALE Co." (herein referred to as the model) manufactured by M/s. Aman Scale Co., 5, Chivji Nagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/198;

The said Model (see the figure given) is a Counter Machine. The maximum capacity is 10kg.



Further, in exercise of the power conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the Counter Machine of similar make, accuracy and performance of same series with maximum capacity ranging from 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(267)/2002]

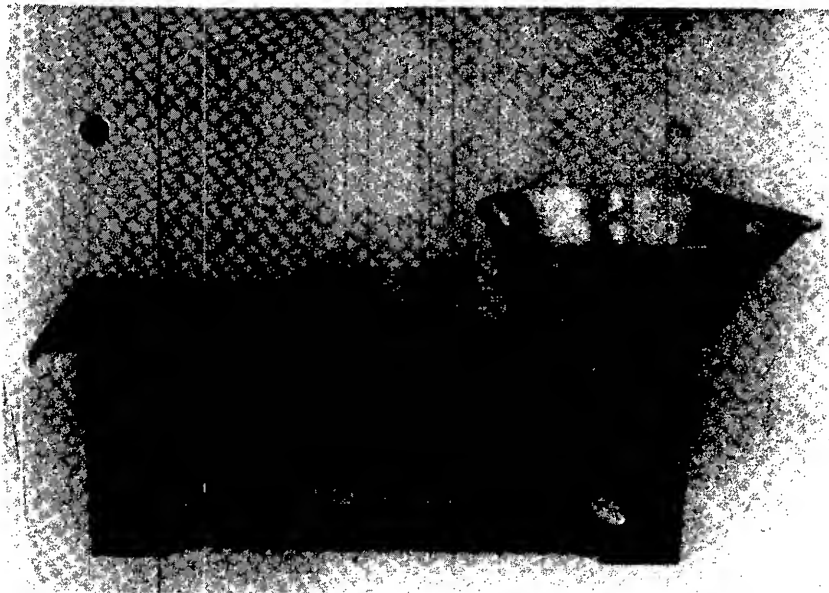
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1060.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स साधना स्केल मैन्यूफैक्चरिंग कंपनी, शिवाजी नगर, सावरकुंडला- 364515 द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "साधना" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/478 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउंटर मशीन है जिसके अधिकतम क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन यथार्थता के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्मित किया गया है, 500 ग्रा. से 50 कि.ग्रा. की रेंज की अधिकतम क्षमता के उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे।

[फा. सं. डब्ल्यू. एम.-21(28)/2002]

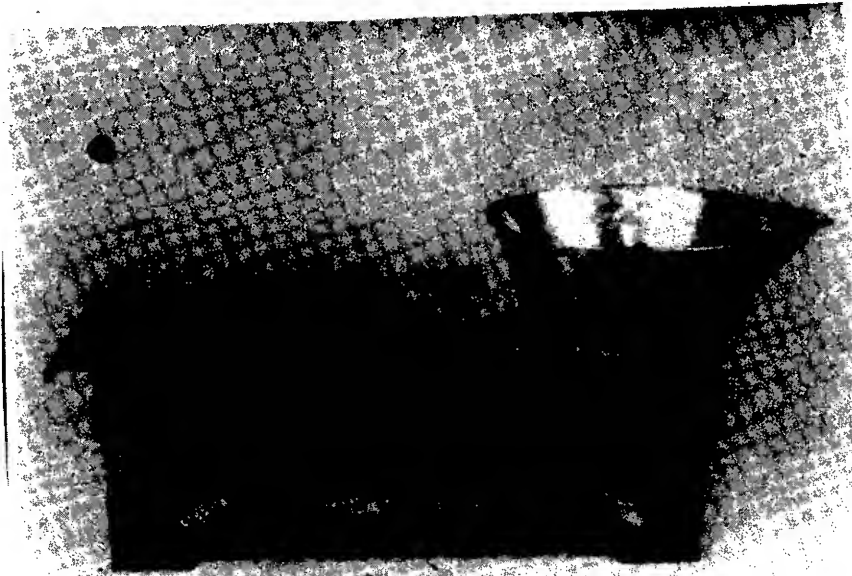
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004.

S.O. 1060.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of a counter machine with brand name "SADHANA." (herein referred to as the said Model), manufactured by M/s. Sadhana Scale Mfg Co., Shivaji Nagar, Patelwadi, Savarkundla and which is assigned the approval mark IND/09/03/478;

The said model (see the figure given below) is a counter machine. Its maximum capacity is 10kg.



Further, in exercise of the power conferred by Sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(28)/2002]

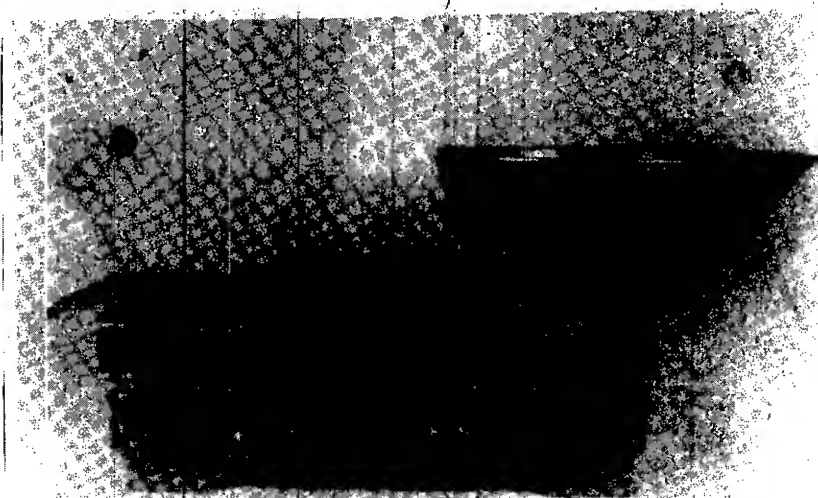
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का. आ. 1061.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बालाजी इन्डस्ट्रीज, शंगाडोड बाजार सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित यांत्रिक काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "बालाजी इन्डस्ट्रीज" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/584 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक यांत्रिक काउंटर मशीन है इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्माण किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की यांत्रिक काउंटर मशीन भी है जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(309)/2002]

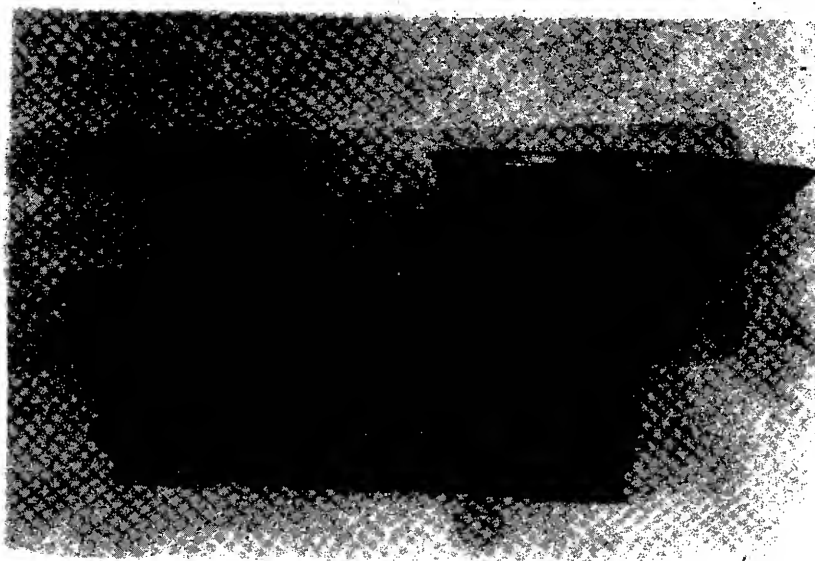
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1061—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of mechanical counter machine (herein-after referred to as the said model) with brand name "Balaji Industries" Manufactured by M/s. Balaji Industries, Shangadid Bazar, Savarkundla-364515, (Gujarat) and which is assigned the approval mark IND/09/03/584;

The said model (see the figure given below) is a mechanical counter machine with maximum capacity of 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the mechanical counter machines of similar make, accuracy and performance with maximum capacity in the range of 500g to 50kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(309)/2002]

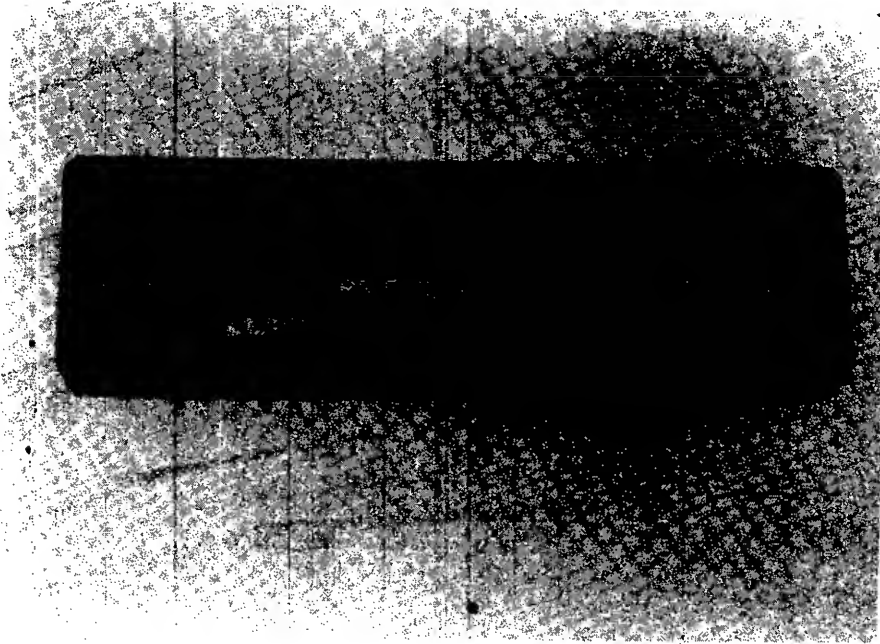
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का. आ. 1062.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मेगा कारपोरेशन लिमिटेड, नं. 18 (मार्केट) ग्रेटर कैलाश, नई दिल्ली द्वारा विनिर्मित "टी एक्स 34 सी-01" श्रृंखला के सूचन प्रदर्श टैक्सी मीटर के मॉडल का, जिसके ब्रांड का नाम "टी एक्स 34 सी-01" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/445 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

सीलबन्दी : स्टाम्पिंग प्लेट को सील बंद के अतिरिक्त कपटपूर्ण व्यवहारों के लिए उपकरण को खोलने से रोकने के लिए पल्स जनरेटर, केवल अनुयोजक और मुख्य किराया मीटर पर भी सीलबन्दी की गई है।



उक्त मॉडल अंकक सूचन सहित एक टैक्सी मीटर है जिसमें दूरी और समय मापने वाली युक्ति समाविष्ट है। यह निरन्तर योग करता है तथा यात्रा के किसी क्षण पर किराया और यात्री द्वारा संदेय प्रभार उपदर्शित करता है। "संदत किया जाने वाला किराया" अनुबंधित यात्रा के दौरान कतिपय गति से ऊपर यात्रा की गई दूरी और उस गति से नीचे लगे समय का फलनक है। मीटर का पठन सात खण्डीय वैक्यूअम फ्लोरोसेंट प्रदर्श (वीएफडी) द्वारा उपदर्शित होता है और विद्युत प्रदाय 12 वोल्ट डी सी है। मीटर का "के" कारक 319 स्पंद/प्रति किलो मीटर है।

[फा. सं. डब्ल्यू. एम.-21(260)/2001]

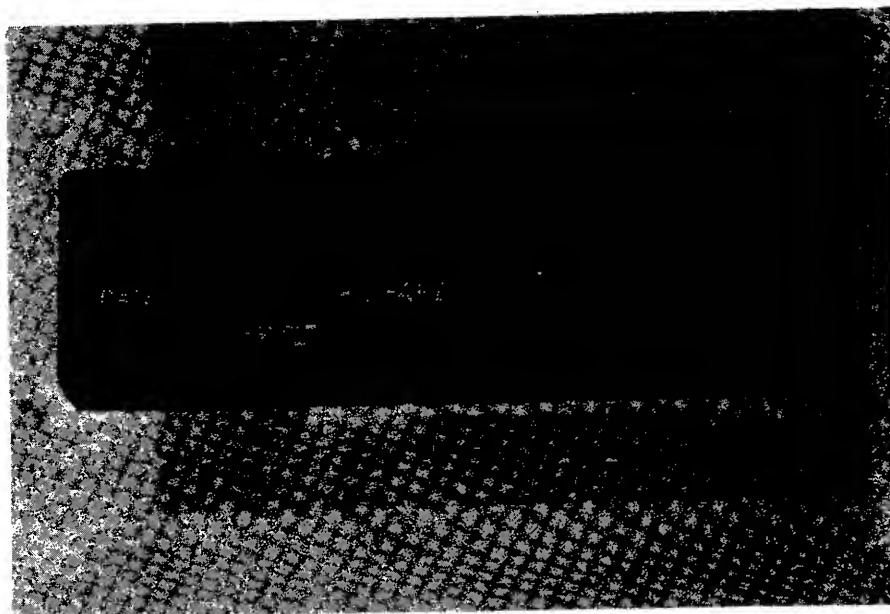
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1062.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the Taxi meter of "TX 34C-01" series with digital display and with brand name "TX 34C-01" (herein referred to as the Model), manufactured by M/s. Mega Corporation Limited, N-18, (Market), Greater Kailash, New Delhi-110 048 and which is assigned the approval mark IND/09/2003/445;

Sealing : In addition to sealing the stamping plate sealing is done on the pulse generator, cable connector and the main fare meter to prevent the opening of the instrument for fraudulent practices.



The said Model is a taxi meter with digital indication incorporated with a distance and time measuring the device. It totalize continuously and indicates the fare at any moment of the journey, and charges payable by passenger. The "Fare to pay" is a function of the distance travelled above a certain speed and of the length of the time occupied below that speed during the contracted travel. The reading of the meter is indicated by seven segments vacuum florescent display (VFD) and power supply is DC 12V. The 'K' factor of the meter is 319 pulse/km.

[F. No. WM-21(260)/2001]

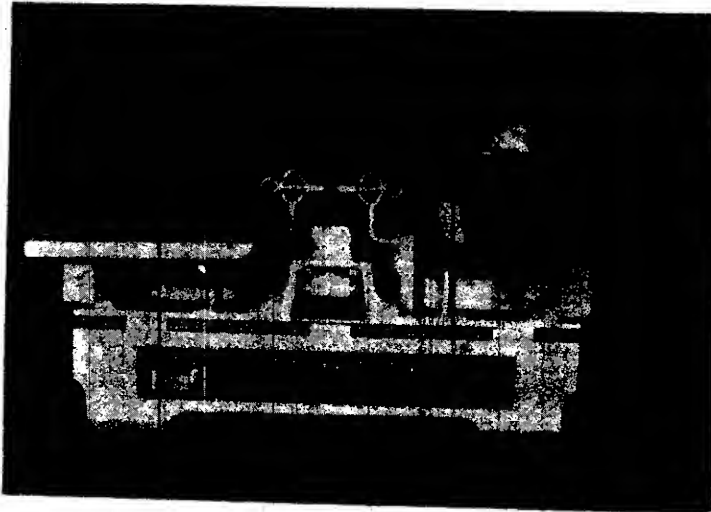
P. A. KRISHNAMOORTHY, Director of Legal Metrology,

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1063.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सुरेशकुमार वानमलीदास, पोस्ट बाक्स सं. 6, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "सुरेशकुमार वानमलीदास" है (जिसे इसमें इसके पश्चात मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/65 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है ;

उक्त माडल (नीचे दी गई आकृति देखिए) एक काउंटर मशीन है जिसकी क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित माडल विनिर्मित किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम-21(271)/2002]

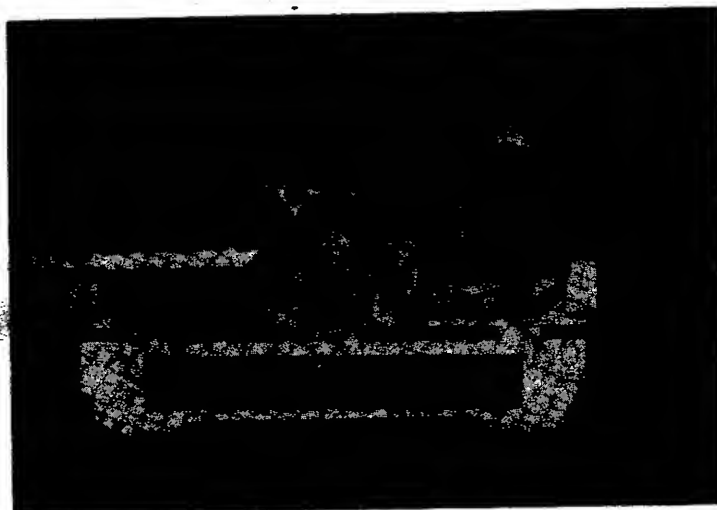
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1063.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name "Sureshkumar Vanmalidas" (hereinreferred to as the Model) manufactured by M/s. Sureshkumar Vanmalidas, Post Box No. 6, Savarkundla-364 515 (Gujarat) and which is assigned the approval mark IND/09/03/65;

The said Model (see the figure given below) is a Counter Machine. The maximum capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of said Section the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said Model has been manufactured.

[F. No. WM-21(271)/2002]

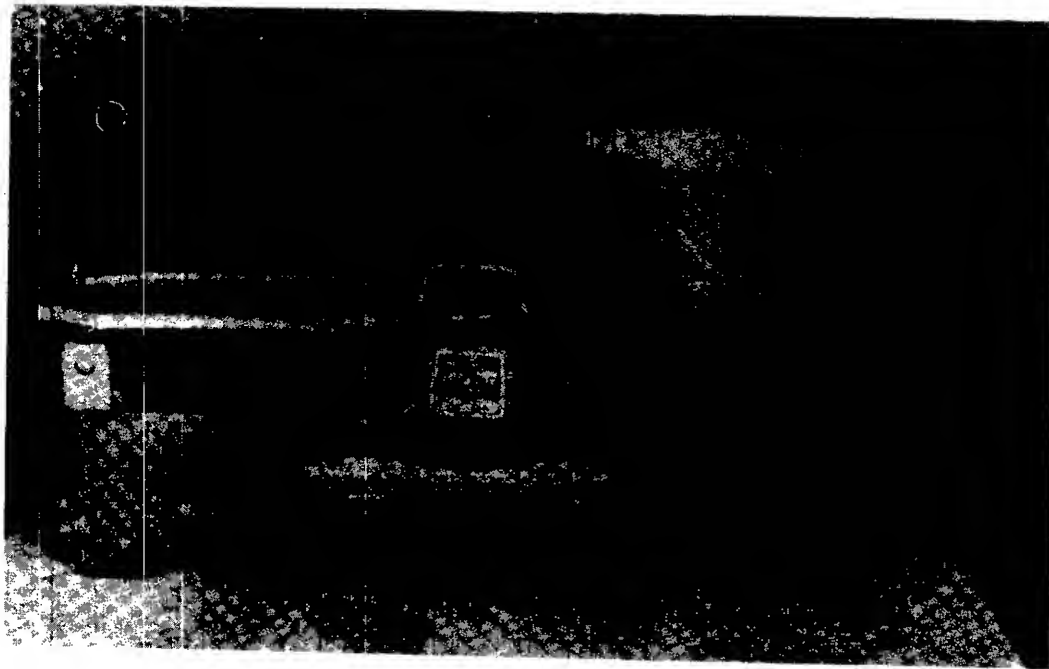
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1064.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कर्सन रामजी एंड संस, शिवाजी नगर, सावरकुण्डला-364575 द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "कर्सन रामजी" है (जिसे इसमें 'इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/476 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;

उक्त माडल (नीचे दी गई आकृति देखिए) एक काउंटर मशीन है इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम-21(263)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1064.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine with brand name "Karsan Ramji" (hereinreferred to as the said model), manufactured by M/s. Karsan Ramji and Sons, Shivaji Nagar, Savarkundla-364515, and which is assigned the approval mark IND/09/03/476;

The said model (see the figure given below) is a counter machine. Its maximum capacity is 10kg.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make; accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(263)/2002]

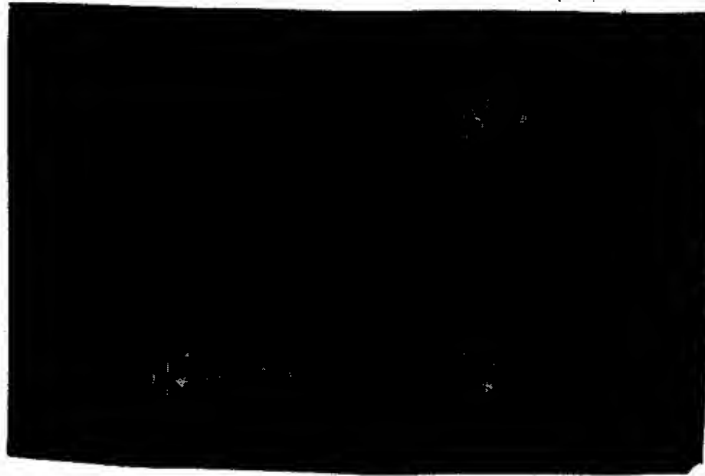
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1065.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जसमीन इण्डस्ट्रीज, एफ-5 अमी अखंडानंद, सी टी एम हाईवे, अमराईबाड़ी, अहमदाबाद-26 काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "जसमीन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/475 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउन्टर मशीन है जिसकी क्षमता 5 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(57)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1065.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of a counter machine with brand name "Jasmin" (herein referred to as the said Model), manufactured by M/s. Jasmin Industries, F-5, Ami Akhandanand, CTM Highway, Amraiwadi, Ahmedabad-26 and which is assigned the approval mark IND/09/2003/475;

The said model (See the figure given below) is a counter machine. Its maximum capacity is 5 kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(57)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1066.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अंबिका हार्डवेयर मार्ट, शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित यांत्रिक काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "अंबिका" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/589 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउन्टर मशीन है इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की यांत्रिक काउन्टर मशीन है जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(102)/2003]

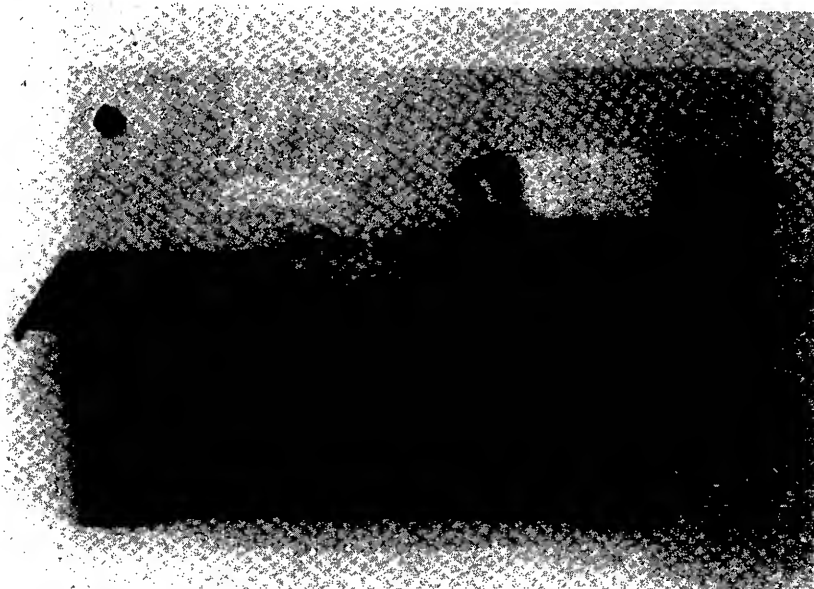
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1066.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Mechanical counter machine with brand name "Ambika," (herein referred to as the said Model), manufactured by M/s. Ambika Hardware Mart, Shivaji Nagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/589;

The said Model (see the figure given below) is a mechanical counter machine with a maximum capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the mechanical counter machines of similar make, accuracy and performance with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(102)/2003]

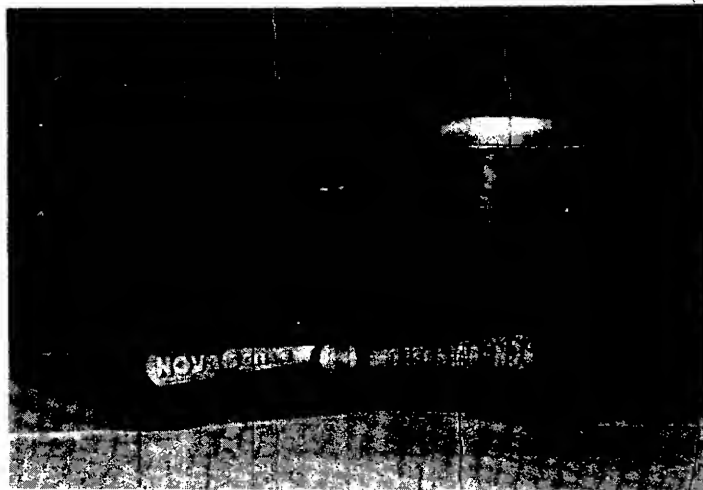
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1067.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नोवा स्केल, अमरेली रोड, इण्डस्ट्रीज एरिया नदी कांठा के पीछे सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित यांत्रिक काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "नोवा स्केल" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/581 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखिए) 5 कि. ग्रा. अधिकतम क्षमता वाली काउन्टर मशीन है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्माण किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की यांत्रिक काउन्टर मशीन है जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(209)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1067— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of mechanical counter machine (hereinafter referred to as the said model) with brand name "Nova Scale", manufactured by M/s. Nova Scale, Amreli Road, Industrial Area, Opp. Nadi Kantha, Savarkundla-364515, (Gujarat) and which is assigned the approval mark IND/09/03/581;

The said Model (see the figure given below) is a mechanical counter machine with a maximum capacity 5kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the mechanical counter machines of similar make, accuracy and performance with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(209)/2003]

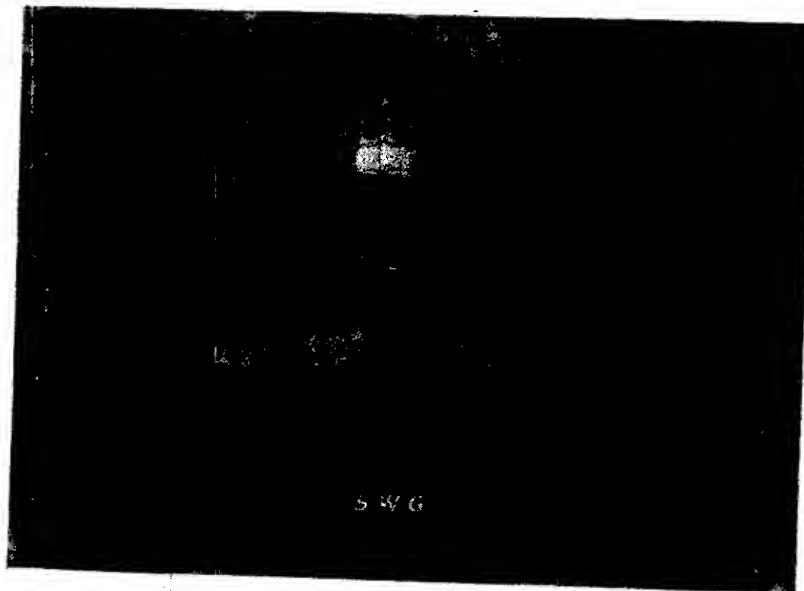
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1068.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सुशील इंजीनियरिंग वर्क्स, दिल्ली रोड, गुड़गांव-122001 हरियाणा द्वारा विनिर्मित काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "एस.डब्ल्यू.जी." है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/560 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउन्टर मशीन है जिसकी क्षमता 5 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्माण किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(101)/2003]

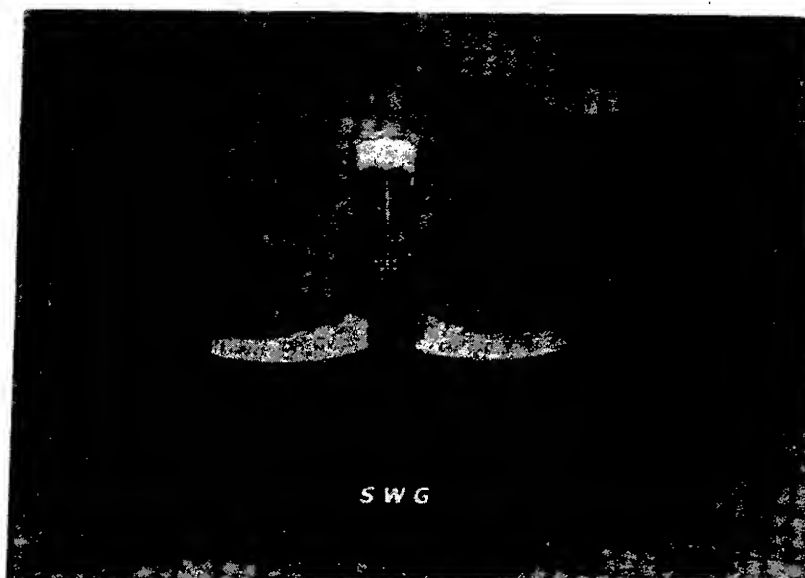
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1068.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of a counter machine with brand name "SWG" (herein referred to as the said Model), manufactured by M/s. Sushil Engineering Works, Delhi Road, Gurgaon-122001, Haryana and which is assigned the approval mark IND/09/2003/560;

The said Model (see the figure given below) is a counter machine its maximum capacity is 5kg.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(101)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1069.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स लुहार-चिमन लाल जेचंद शिवाजी नगर सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित यांत्रिक काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "एल. चिमनलाल जेचंद" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/585 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) 10 कि.ग्रा. अधिकतम क्षमता वाली काउन्टर मशीन है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्माण किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की यांत्रिक काउन्टर मशीन भी है जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(308)/2002]

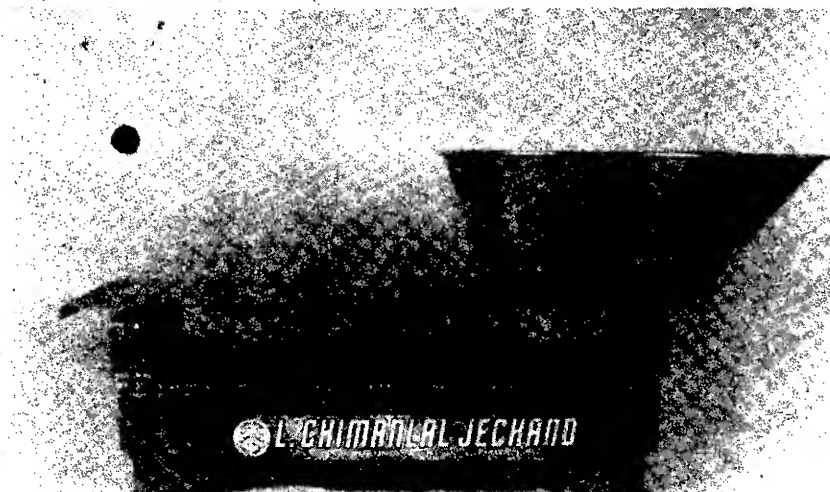
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1069. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of mechanical counter machine (herein-after referred to as the said model) with brand name "L. Chimanlal J. Chand." manufactured by M/s Luhar Chiman Lal Jechand, Shivaji Nagar, Savarkundla-364515, (Gujarat) and which is assigned the approval mark IND/09/2003/585;

The said Model (See the figure given below) is a mechanical counter machine with a maximum capacity of 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the mechanical counter machines of similar make, accuracy and performance with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(308)/2002]

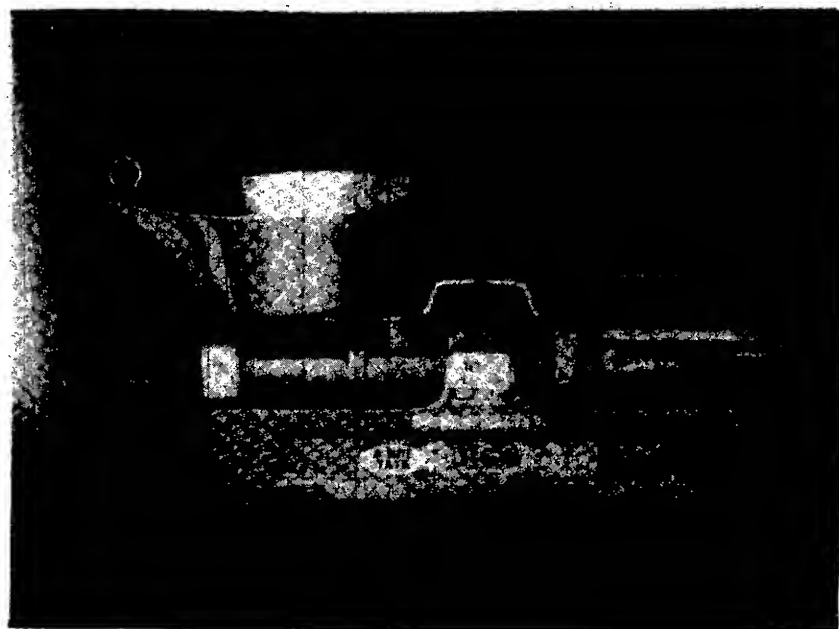
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1070.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स दुर्गा स्केल, 6 शिवाजी नगर, सावरकुंडला—364575 द्वारा विनिर्मित मॉडल का, जिसके ब्रांड का नाम "ए-वन 2121" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/470 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउंटर मशीन है। जिसकी क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू.एम.-21(122)/2002]

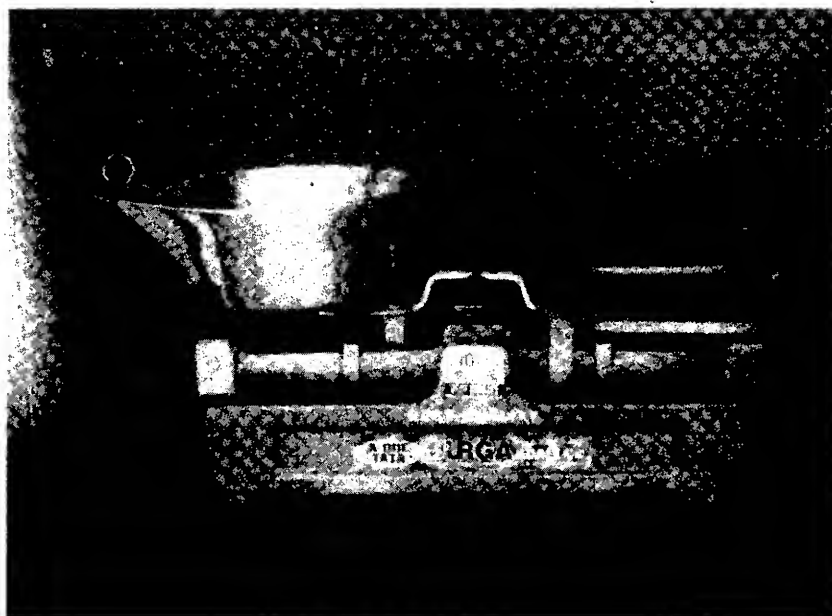
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1070.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of a counter machine with brand name "A-ONE TATA" (herein referred to as the said model), manufactured by M/s. Durga Scale, 6, Shivaji Nagar, Savarkundla-364 515 and which is assigned the approval mark IND/09/2003/470;

The said Model (See the figure given below) is a counter machine. Its maximum capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(122)/2002]

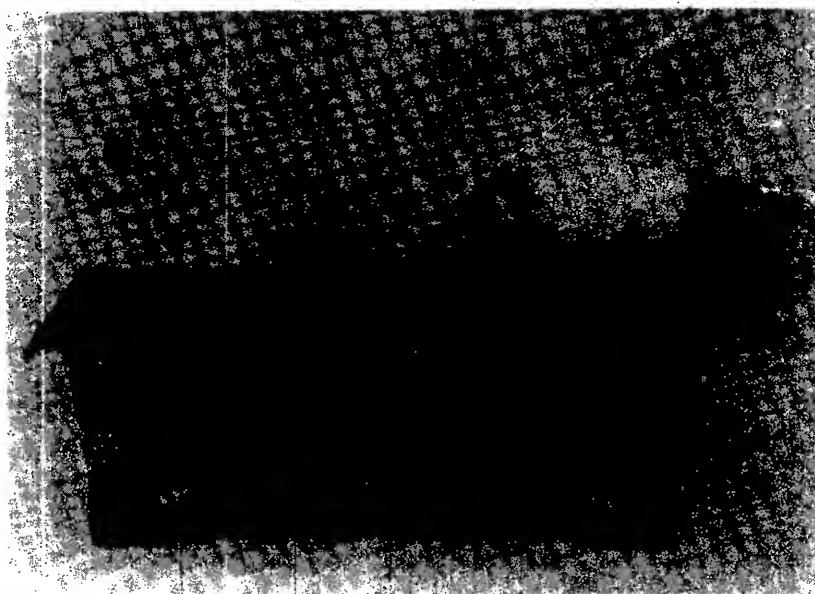
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ.1071.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स लुहार वृजलाल जीवा, शिवाजी नगर, सावरकुण्डला—364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ग्रांड का नाम "चन्द्रा" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/591 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउंटर मशीन है जिसकी क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की यांत्रिक काउंटर मशीन जो 500 ग्रा. से 50 कि. ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(103)/2003]

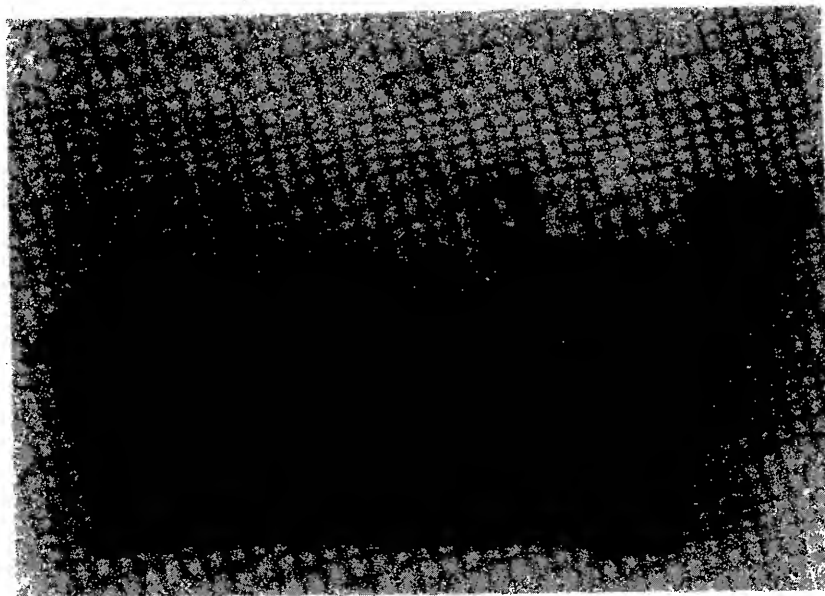
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1071.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of mechanical counter machine (herein-after referred to as the said model) with brand name "Chandra" manufactured by M/s. Luhar Vrajlal Jiva, Shivajinagar, Savarkundla-364515, (Gujarat) and which is assigned the approval mark IND/09/2003/591;

The said Model (See the figure given below) is a mechanical counter machine with a maximum capacity of 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the mechanical counter machines of similar make, accuracy and performance with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(103)/2003]

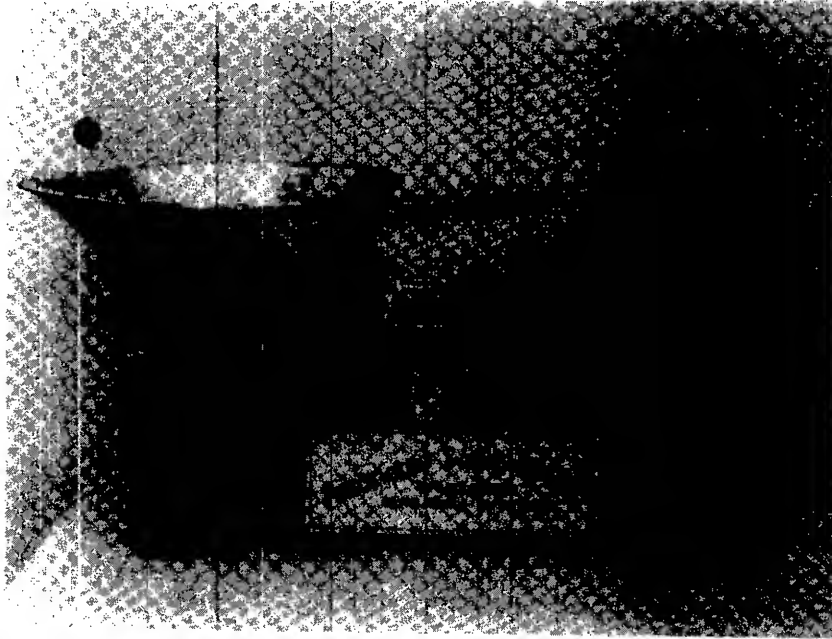
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1072.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एसोसिएटेड स्केल्स इण्डस्ट्रीज, शाप नं० 14, एम.जी. धर्मशाला सावरकुण्डला—364515 (गुजरात) द्वारा विनिर्मित यांत्रिक काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "टीडब्ल्यूओ बीयूजीएलई" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/588 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) 10 कि. ग्रा. अधिकतम क्षमता वाली काउंटर मशीन है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की यांत्रिक काउंटर है जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(155)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1072 — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of mechanical counter machine (herein-after referred to as the said model) with brand name "TWO BUGLE", manufactured by M/s. Associated Scales Industries, Shop No. 14, M. G. Dharamshala, Savarkundli-364515, (Gujarat) and which is assigned the approval mark IND/09/03/588;

The said Model (See the figure given below) is a mechanical counter machine with a maximum capacity 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the mechanical counter machines of similar make, accuracy and performance with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(155)/2003]

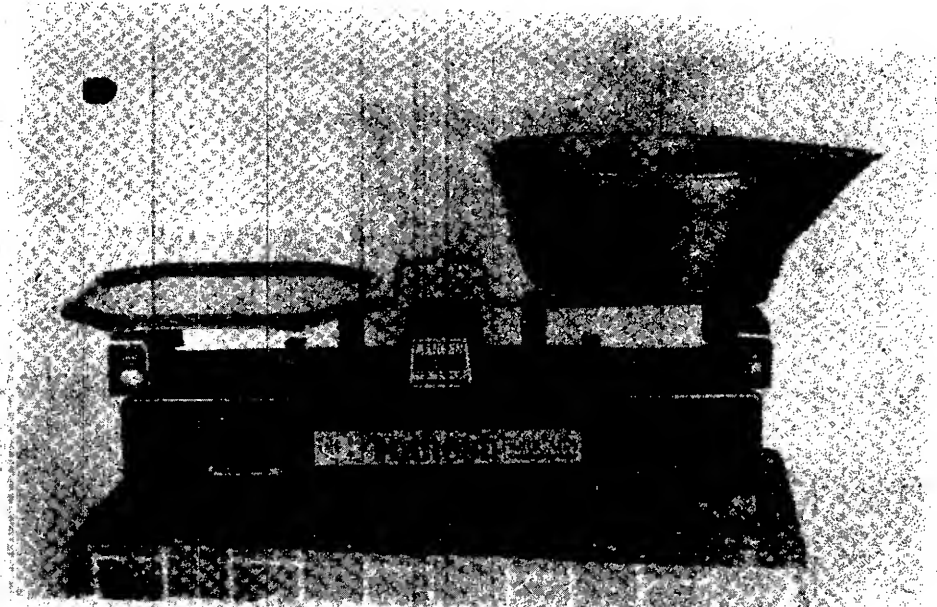
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1073.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स महेश स्केल कम्पनी, नं. 2, शिवाजी नगर सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "शेहनाइ" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/553 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(245)/2002]

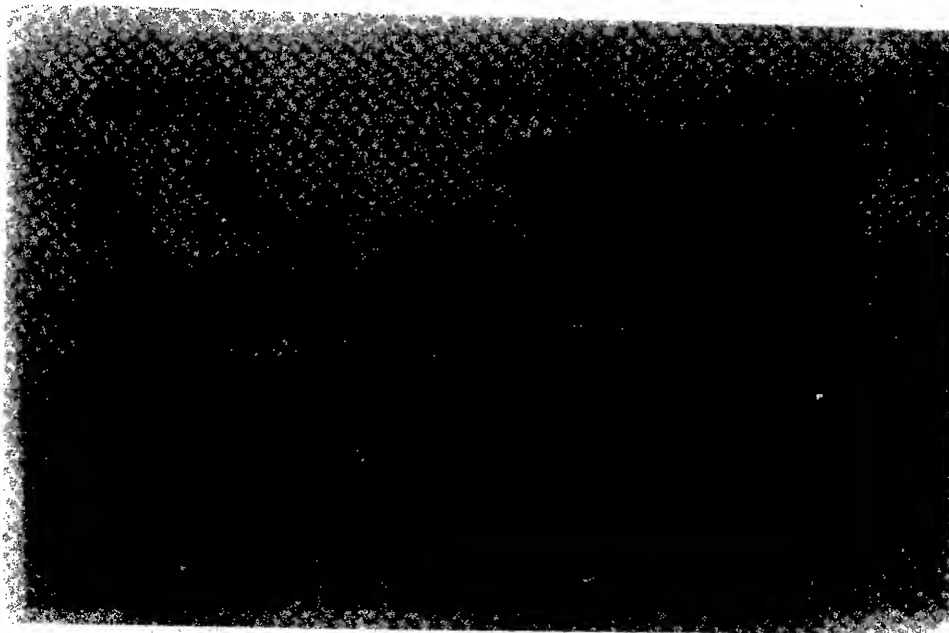
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1073.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine with brand name "SHEHNAI" (herein referred to as the said model), manufactured by M/s Mahesh Scale Company, No.2, Shivaji Nagar, Savarkundla, (Amreli District-364515) and which is assigned the approval mark IND/09/2003/553;

The said Model (See the figure given below) is a counter machine. Its maximum capacity is 10 kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity from 500g up to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(245)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1074. —केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जलधारा इंजीनियर्स, हवासनी रोड, साबरकुण्डला-364575, (गुजरात) द्वारा विनिर्मित काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "जलधारा इंजीनियर्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन बिह्न आई एन डी/09/2003/30 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (आकृति देखिए) एक काउन्टर मशीन है। जिसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(231)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1074.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Counter Machine with brand name "Jaldhara Engineers" (herein referred to as the said model), Manufactured by M/s Jaldhara Engineers Hathasni Road, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/30;

The said Model (See the figure given below) is a counter machine. The maximum capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500 g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(231)/2002]

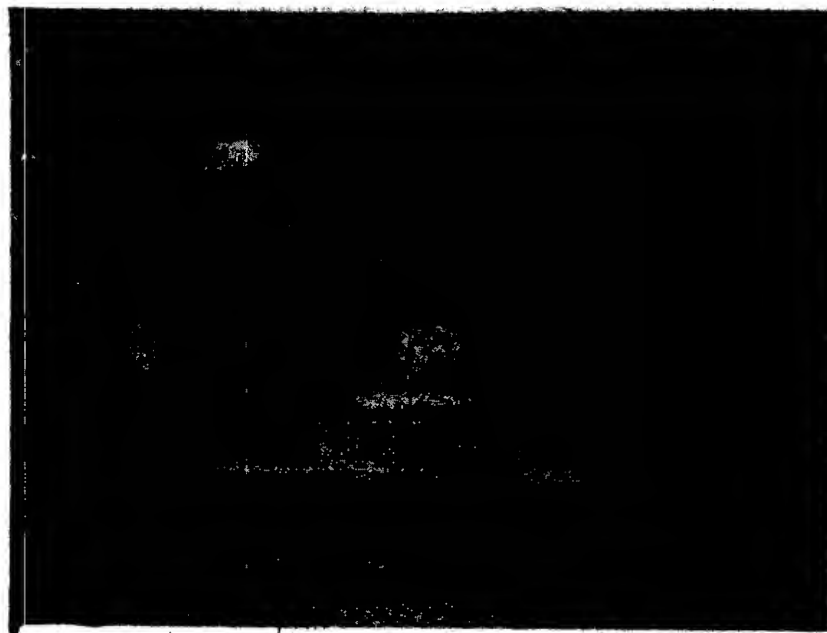
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1075.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स लुहार भवन मावजी एंड कंपनी, रिवर बैंक, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "एल भवन मावजी एंड कंपनी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/21 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउन्टर मशीन है जिसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्मित किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(219)/2002]

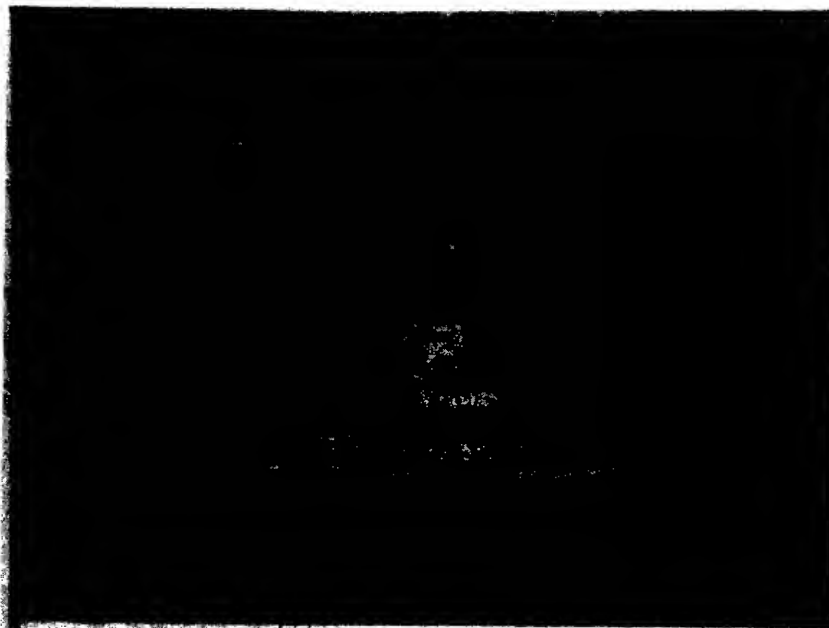
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1075. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name "L. Bhavan Mavji & Co." (herein referred to as the model), Manufactured by M/s Luhar Bhavan Mavji & Co., River Bank, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/21;

The said Model (See the figure) is a counter machine. The maximum capacity is 10 kg.



Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(219)/2002]

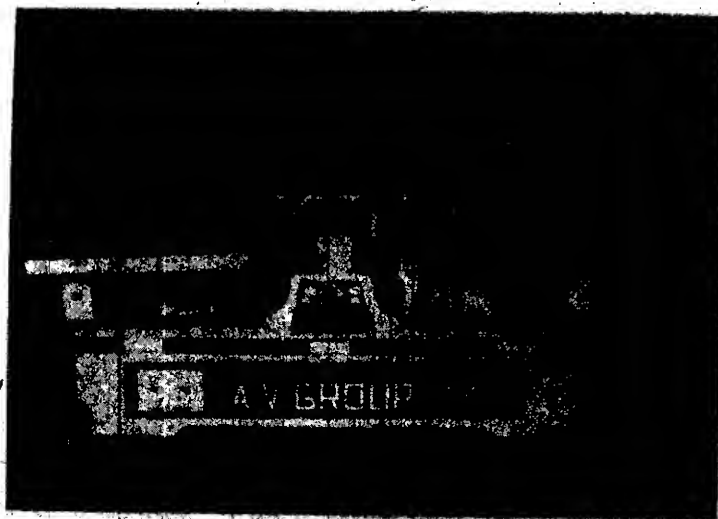
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 1076.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अरजनवालजी ग्रुप, पोस्ट बाक्स नं. 6, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल को, जिसके ब्रांड का नाम "अरजनवालजी ग्रुप" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विन आई एन डी/09/2003/63 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउंटर मशीन है जिसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्मित किया गया है उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फन. सं. डब्ल्यू. एम.-21(273)/2002]

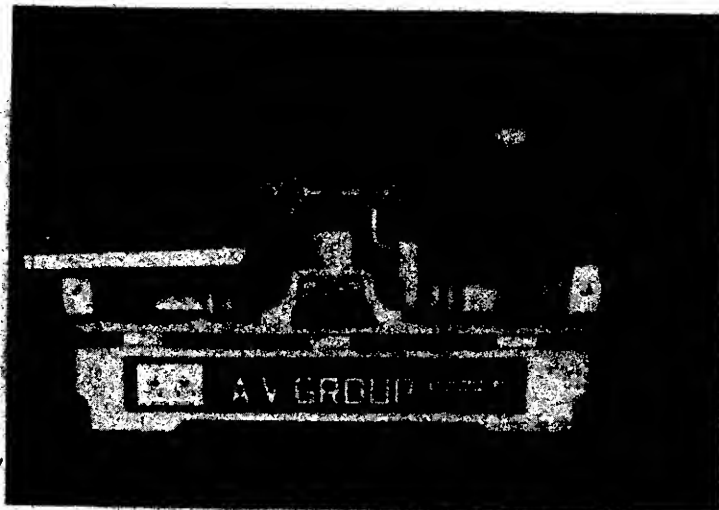
पी. ए. कुष्णामूर्ति, निदेशक, विधिक माप विभाग

New Delhi, the 15th April, 2004

S.O. 1076. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name "Arjanvalji group," (herein referred to as the model), Manufactured by M/s Arjanvalji Group, Post box No.-6 Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/63;

The said Model (the figure given below) is a counter machine. The maximum capacity is 10kg.



Further, in exercise of the powers conferred by sub-section (12) of said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity 500 g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(273)/2002]

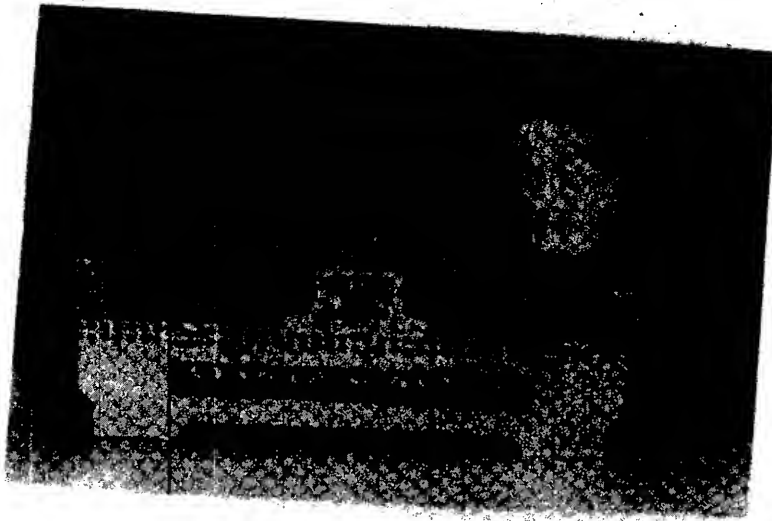
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 15 अप्रैल, 2004

का.आ.1077.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अजन्ता स्केल कम्पनी, सेठ स्ट्रीट, सावरकुण्डला-364575, गुजरात द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "अजन्ता स्केल कम्पनी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/48 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू. एम.-21(230)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th April, 2004

S.O. 1077. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine with brand name "Ajanta Scale Co." (herein referred to as the said model), Manufactured by M/s. Ajanta Scale Co. Sheth Street Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/48;

The said Model (See the figure given below) is a counter machine with a maximum capacity of 5 kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

[F. No. WM-21(230)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 20 अप्रैल, 2004

का.आ. 1078.— भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि/माह/वर्ष	लाइसेंस धारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु. वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)
1.	6405864	2003 07 30	मैसर्स सुलताना ज्वेलरी बिल्डिंग नं. पीपीवीआई/1356, 1357, 1358, 1359 और 1360 रहमान कॉम्पलैक्स बालारामपुरम तिरुवनन्तापुरम 695501	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्ट (तीसरा पुनरीक्षण)	01417		99
2.	6405965	2003 07 28	मैसर्स विजया एक्वा टेक (प्रा.) लि. नं. 19/533/1, 2रा क्रॉस बिलेकाहल्ली लेआउट बनैरघाट रोड, बंगलौर 560096	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543		98
3.	6406058	2003 07 28	मैसर्स अप्पु बोर्डस एपीवीआईआई, 585 इंडस्ट्रियल प्लॉट, मंगतुपरम्बा अन्डूर, टलिपरम्बा कन्नु 670563	लकड़ी के सफाई दरवाजे के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवुड सतहयुक्त पल्ले (छटा पुनरीक्षण)	02202	01	99
4.	6406159	2003 07 28	मैसर्स अप्पु बोर्डस एपीवीआईआई, 585 इंडस्ट्रियल प्लॉट, मंगतुपरम्बा अन्डूर, टलिपरम्बा कन्नु 670563	सामान्य प्रयोजन हेतु प्लाईवुड (तीसरा पुनरीक्षण)	00303		89
5.	6406260	2003 07 28	मैसर्स अप्पु बोर्डस एपीवीआईआई, 585 इंडस्ट्रियल प्लॉट, मंगतुपरम्बा अन्डूर, टलिपरम्बा कन्नु 670563	ब्लॉक बोर्ड (पहला पुनरीक्षण)	01659		90
6.	6406361	2003 07 28	मैसर्स माज़ पॉलिमर्स, IV/276 इंड. डवलपमेंट प्लॉट, अथानी पी.ओ. पेरीयान्दूर, त्रिस्सूर 680581	पेयजल आपूर्ति के लिए गैर-प्लास्टिक पीवीसी पाइप (तीसरा पुनरीक्षण)	04985		2000
7.	6406462	2003 08 01	मैसर्स शक्ति मार्केटिंग 4/595 - ई हसियान कॉलोनी शिवकाशी 626189	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543		98
8.	6406563	2003 08 01	मैसर्स रॉयल मार्केटिंग समीप अथिसयाम थीम पार्क सामयनाल्लूर मदुरई 625002	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543		98

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
9.	6406664	2003 08 01	मैसर्स त्रिचे फार्माकेम प्राइवेट लि. विन्नी गार्डन संजीवी नगर देवधाम त्रिचे-620002	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98
10.	6406765	2003 07 30	मैसर्स एन.जी.ए. स्टील प्राइवेट लि., पप्पनकेडु करुक्कमपलायम गाँव (समीप) पालमडई मोरुर पोस्ट, सन्कारी तालुक सालेम जिला-63730-	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विन्धापित इस्पात के सरिरे और तार (तीसरा पुनरीक्षण)	01786			85
11.	6406866	2003 07 28	मैसर्स टी.ए. बोर्डस एण्ड डोर्स थोकुर हलंगडी मंगलौर-574146	सामान्य प्रयोजन हेतु प्लाईवुड (तीसरा पुनरीक्षण)	00303			89
12.	6406967	2003 07 28	मैसर्स सरकार लेमिनेट्स एस.नं. 15/8 डी 1 (पी) कल्लपु पेरमन्नूर गाँव मंगलौर तालुक	ब्लॉक बोर्ड (तीसरा पुनरीक्षण)	01659			90
13.	6407060	2003 07 28	मैसर्स मेटलको पेनल्स प्लॉट नं. 193 (पार्ट) इंड.एरिया, बायकम्पडी रीविजन न्यू मंगलौर-575011	सामान्य प्रयोजन हेतु प्लाईवुड (तीसरा पुनरीक्षण)	0030			89
14.	6407161	2003 07 30	मैसर्स त्रिस्सर फेशन ज्वेलरी VI/844 से 847 मैथनम वरकल तिरुवन्नतापुरम-695141	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन - विशिष्ट (तीसरा पुनरीक्षण)	01417			99
15.	6407262	2003 08 05	मैसर्स थमीरापरानी पैकेज्ड ड्रिंकिंग वाटर 37/1, कन्यांन कालोनी साउथ वेस्ट श्रीवैकुण्ठम वीओसी जिला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिकमिनरल जल के अलावा) विशिष्ट	14543			98
16.	6407363	2003 07 31	मैसर्स वुड बोर्ड बीपी. वी/92 ए कीरियाड बलापट्टनम कानपुर जिला-670010	समुद्री उपयोग हेतु प्लाईवुड (पहला पुनरीक्षण)	00710			76
17.	6407464	2003 08 01	मैसर्स वुड बोर्ड बीपी. वी/92 ए कीरियाड बलापट्टनम कानपुर जिला-670010	ब्लॉक बोर्ड (तीसरा पुनरीक्षण)	01659			90
18.	6407565	2003 08 05	मैसर्स अपूर्वा एक्वा प्रॉडक्ट्स नं. 72 लक्ष्मी प्रिया गार्डन्स, चेद्वीपेडु उत्तकोट्टई रोड, कुथमबक्कम गाँव पूनमल्ली तालुक तिरुवल्लूर जिला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98
19.	6407666	2003 07 28	मैसर्स शुभ मंगल इंडस्ट्रीज ए-416, 417 और 418 9वां मेन, 2सी स्टेज, पीन्या इंडस्ट्रियल एस्टेट, बंगलौर-560058	पशुओं के लिए मिश्रित आहार (तीसरा पुनरीक्षण)	02052			79

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
20.	6407767	2003 07 28	मैसर्स शुभ मंगल इंडस्ट्रीज ए-416, 417 और 418.9वां मेन, 2सी स्टेज, पीन्या इंडस्ट्रियल एस्टेट, बंगलौर-560058	कुकुट आहार (चौथा पुनरीक्षण)	01374			92
21.	6407868	2003 07 28	मैसर्स रोहिणी केबल्स प्लॉट नं. 21जी अम्बातूर सिडको इड. एस्टेट, अम्बातूर चेन्नई-600098	शिरोपरि प्रेषण कार्यों के लिए एल्युमीनियम के चालक भाग 4 एल्युमीनियम मिश्रधातु के लड़दार चलाक (एल्युमी- नियम-मैंगनीशियम - सिलिकॉन टाइप) (तीसरा पुनरीक्षण)	00398	04		96
22.	6407969	2003 08 06	मैसर्स पवाई एलॉय्स एण्ड स्टील प्रा. लि., एस.एफ.नं. 433/4, ए.बी.सी, डी नल्लूर कन्डमपलायम परमाथी वेल्लूर तालुक नमक्कम जिला-636203	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विन्धापित इस्पात के सरिए और तार (तीसरा पुनरीक्षण)	01786			85
23.	6408062	2003 08 07	मैसर्स चारदों डिस्टिल्लड वाटर एण्ड एसिड सप्लायर्स, न. 147 मेडावक्कम मेन रोड, कोविलम्बक्कम, चेन्नई-600117	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98
24.	6408163	2003 07 15	मैसर्स अल्फा इंजीनियरिंग इंडस्ट्री 27-ए एम. के. पलायम रोड, बी.आर.पुरम पीलामेडू, कोयम्बतूर-641004	निमज्जनीय पम्पसेट (पहला पुनरीक्षण)	08034			89
25.	6408264	2003 07 18	मैसर्स बटरफ्लाई इलैक्ट्रिकल्स एण्ड इलैक्ट्रॉनिक्स प्रा. लि. 3 कुमारन नगर, शोलिंगनाल्लूर चेन्नई-600119	घरेलू और ऐसे ही समान प्रयोजन हेतु स्विच (दूसरा पुनरीक्षण)	03854			97
26.	6408365	2003 08 11	मैसर्स संगम वायर्स प्रा.लि., सर्वे नं. 179 और 180 वेल्समपेट गाँव मेडचल मंडल, आर. आर.जिला	पूर्व प्रतिवर्तित कंक्रीट के लिये सादे कठोर-कर्षित इस्पात के तार भाग 1 (दूसरा पुनरीक्षण)	01785	01		83
27.	6408466	2003 08 08	मैसर्स फ्लो-लाइट प्रा. लि., प्लॉट न. एम 11 जैडएचटी क्रॉस, फर्स्ट स्टेज पीन्या इंड. एस्टेट, बंगलौर-560058	प्रतिदीप्ति लैम्प हेतु स्टार्टर (तीसरा पुनरीक्षण)	02215			83
28.	6408567	2003 07 28	मैसर्स ओम मुरुगन इंडस्ट्रीज डोर नं. 11 और 12 रामाकृष्णापुरम गणपति (पी.ओ.) कोयम्बतूर-641006	खुले कुएं के लिये निमज्जय पम्पसेट	14220			94
29.	6408668	2003 07 28	मैसर्स साउदर्न आयरन एण्ड स्टीज कं. लि., पोद्दानेरी गाँव मेतूर तालुक सालेम जिला-636453	धातु आर्क वेल्डिंग इलैक्ट्रोडों के लिए मृदु इस्पात	02879			98

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
30.	6408769	2003 08 13	मैसर्स येस्टीम इंडस्ट्रीज 210/2 नेताजी नगर नन्नुन्दापुरम रोड, कोयम्बतूर 641036	निमज्जनीय पम्पसेट (पहला पुनरीक्षण)	08034			89
31.	6408870	2003 07 28	मैसर्स येस्टीम इंडस्ट्रीज 210/2 नेताजी नगर नन्नुन्दापुरम रोड, कोयम्बतूर 641036	निमज्जनीय पम्पसेटों के लिए मोटे (पहला पुनरीक्षण)	09283			95
32.	6408971	2003 08 12	मैसर्स आर.के. वाटर प्रॉडक्ट्स आर.एस. नं. 355/5 ईस्ट कॉस्ट रोड, कोट्टाकुप्पम, विल्लुपुरम 605104	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98
33.	6409064	2003 08 14	मैसर्स मधुगंगा इंडस्ट्रीज 31/9, तनकन्केल रोड ओजनहली गाँव, कोप्पल 583231	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98
34.	6409165	2003 07 25	मैसर्स कुकसन इंडिया लिमिटेड, डब. प्लॉट नं. 16 नार्थ फेस अम्बातूर चेन्नई 600098	गैरप्लास्टिक पॉलिविनइल क्लोराइड प्लास्टिक पाइप और फिटिंग के उपयोग के लिए विलयक सीमेंट	14182			94
35.	6409266	2003 08 08	मैसर्स श्री चाणक्य केरामल प्रा.लि., एनएच 4, चित्तूर से चेन्नई रोड मापकही, समीप गोपालपुरम नरिगपल्ली पी.ओ. चित्तूर जिला	केरामल-विशिष्ट (दूसरा पुनरीक्षण)	04467			96
36.	6409367	2003 08 08	मैसर्स ईसीई इंडस्ट्रीज लि. (मीटर डिवीजन) (यूनिट 2) 8-4-300/2ए, अशोक मार्ग, सनाथ नगर, हैदराबाद 500018	ए सी वाट घंटामीटर, वर्ग 0.5, 1 और 2	13010			90
37.	6409569	2003 08 07	मैसर्स जल प्रॉडक्ट्स 2/42 सिरूसरी कौंविपुरम 603103	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98
38.	6409872	2003 08 14	मैसर्स एंडावर एक्वा टेक 63सी/1 सिडको इंडस्ट्रियल एस्टेट, अम्बातूर चेन्नई 600098	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98
39.	6409973	2003 08 13	मैसर्स श्री चक्र सीमेंट्स लि., ए.आर. पेटा अलमंडा (आर.एस.) जानी मंडल विजियानगरम जिला 535240	43 ग्रेड साधारण पोर्टलैंड सीमेंट (पहला पुनरीक्षण)	08112			89
40.	6410049	2003 08 08	मैसर्स बीपीएल सॉफ्ट एनर्जी सिस्टम्स लि. 7ए (पार्ट) के आई ए डी बी इंड. एरिया सोमनहल्ली मदुर, माण्ड्या जिला 571428	बहु-उपयोगी शुल्क बैटरियाँ (पहला पुनरीक्षण)	08144			97

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
41.	6410150	2003 08 07	मैसर्स केतकी इंजीनियरिंग प्रा. लि. ए-8 इंड. एस्टेट, अम्बातूर चेन्नई 6000058	कृषि कार्यों के लिए साफ, ठंडे पानी के मोनोसेट पम्प (पहला पुनरीक्षण)	09079			89
42.	6410251	2003 08 07	मैसर्स एडवात व्यापार लिमिटेड आर.एस. नं. 62/6 थेतमपक्कम सतुकनी पोस्ट मन्नाडिपेट काम्युनी पोंडिचेरी 685502	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विन्धापित इस्पात सरिफ और तार (तीसरा पुनरीक्षण)	01786			85
43.	6410453	2003 08 06	मैसर्स इंडस स्टील एण्ड एलॉय्स प्रा. लि. उलिपीरनापल्ली होसूर-थली रोड देनकनीलाटई तालूक धर्मपुर जिला तमिलनाडू 635114	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विन्धापित इस्पात सरिफ और तार (तीसरा पुनरीक्षण)	01786			85
44.	6410554	2003 08 14	मैसर्स श्री महागणपति इंडस्ट्री नं. 9, (पुराना नं. 14-डी) 7वी. स्ट्रीट (समीप टेलिफोन एक्सचेंज) सती रोड, गणपति कोयम्बतूर 641006	निमज्जनीय पम्पसेट (पहला पुनरीक्षण)	08034			89
45.	6410655	2003 08 22	मैसर्स मेतूर मिनरल वाटर एण्ड केमीकल्स 4/199 कावेरी क्रॉस नवापत्ती पोस्ट, मेतूर डेम 636452	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	014543			98
46.	6410958	2003 08 21	मैसर्स अलुकस ज्वेलरी 19/377 बी.ए.पी.के. नायर रोड, थलास्सरी, कानपुर जिला 670101	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	01417			99
47.	6411051	2003 08 21	मैसर्स इलाली लक्ष्मी मोनोसेट्स (प्रा) लि. यूनिट 2, 32 एयानी पी.ओ. सिडको इंडस्ट्रियल एस्टेट, कुरिचि कोयम्बतूर 641021	निमज्जनीय पम्पसेट (पहला पुनरीक्षण)	08034			89
48.	6410152	2003 08 21	मैसर्स इलाली लक्ष्मी मोनोसेट्स (प्रा) लि. यूनिट 2, 32 एयानी पी.ओ. सिडको इंडस्ट्रियल एस्टेट, कुरिचि कोयम्बतूर 641021	निमज्जनीय पम्पसेट के लिए मोटरे (पहला पुनरीक्षण)	09283			95
49.	6411253	2003 08 21	मैसर्स श्री मुरुगन पाइप्स (प्रा) लि. नं. 85, वनगराम रोड अयनाबक्कम चेन्नई 602102	पेय जल आपूर्ति हेतु गैर प्लास्टिक पीवीसी पाइप (तीसरा पुनरीक्षण)	04985			2000
50.	6411354	2003 08 26	मैसर्स अलुकस ज्वेलरी 1157/26 टी.बी. रोड, पालक्कड 678014	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	1417			99
51.	6411455	2003 08 21	मैसर्स एम.ए.बुड प्रॉडक्ट्स (प्रा) लि. बत्तिपाडव कोलीयूर गाँव बोकंडी पी. ओ. मंजेश्वर (वाया) कसरगड 671323	लकड़ी से सपाट दरवाजों के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवुड सतहयुक्त पल्ले (छटा पुनरीक्षण)	02202	01		99

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
52.	6411556	2003 08 26	मैसर्स तीर्थ ज्वेलरी IX/369 चेन्नापिन्नी पी.ओ. त्रिचूर 680687	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	01417			99
53.	6411567	2003 08 21	मैसर्स टेक्समो इंडस्ट्रीज मेत्तूरपलायम रोड जी.एन.मिल्स पी.ओ. कोयम्बतूर 641029	निमज्जनीय पम्पसेट (पहला पुनरीक्षण)	08034			89
54.	6411758	2003 08 21	मैसर्स टेक्समो इंडस्ट्रीज मेत्तूरपलायम रोड जी.एन.मिल्स पी.ओ. कोयम्बतूर 641029	निमज्जनीय पम्पसेट के लिए मोटरे (पहला पुनरीक्षण)	09283			95
55.	6411859	2003 08 21	मैसर्स रिच एक्वा टेक 3-323 के.ए.एम. नगर त्रिचे रोड सेलइपडि गाँव डिंडीगुल 624005	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98

[सं. सीएमडी-4/13:11]

एस.के. चौधरी, उप महानिदेशक (मुहर)

BUREAU OF INDIAN STANDARDS

New Delhi, the 20th April, 2004

S.O. 1078.—In pursuance of Sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Operative Date (Year/Month)	Name & Address of the Party	Title of the Standard	IS. No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
001.	6405864	2003/07/30	M/s. Sulthana Jewellery Bldg. No. PPVJ/1356, 1357, 1358, 1359, & 1360 Rahuman Complex Balramapuram, Thiruvanthapuram-695501	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and marking- specification (Third Revision)	01417			99
002.	6405965	2003/07/28	M/s. Vijaya Aqua Tech. (Pvt.) Limited, No. 19/533/1, 2nd Cross Bilakhalli Layout Banneraghatta Road, Bangalore-560096	Packaged drinking water (other than packaged natural Mineral water) (Fourth Revision)	14543			98
003.	6406058	2003/07/28	M/s. Appu Boards APVIL. 585 Industrial Plot Mangattuparamra Andoor, Taliparamba Kannu-670563.	Specification for Wooden Flush door Shutters (Solid core type) Part 1 : Plywood face panels (Sixth Revision)	02202	Q1		99

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
004.	6406159	2003/07/28	M/s. Appu Boards APVIL 585, Industrial Plot Mangattuparamba Andoor, Taliparamba Kannu-670563	Specification for ply- wood for general pur- poses (Third Revision)	00303			89
005.	6406260	2003/07/28	M/s. Appu Boards APVIL 585 Industrial Plot Mangattuparamba Andoor, Taliparamba Kannu-670563	Specification for Block Boards (First Revision)	01659			90
006.	6406361	2003/07/28	M/s. Maz Polymers IV/276 Jndl. development plot Athani P.O. Periyandoor Thrissur-680581	Unplasticized Pvc. Pipes for potable water supplies Specification (Third Revision)	04985		00	
007.	6406462	2003/08/01	M/s. Sakthi Marketing 4/595-E Husian Colony, Sivakasi-626189	Specification for pack- aged drinking water (other than packaged natural Mineral water)	14543			98
008.	6406563	2003/08/01	M/s. Royal Marketing Near Athisayam Theme Park Samayanallur Madurai-625402	Specification for pack- aged drinking water (other than packaged natural Mineral water)	14543			98
009.	6406664	2003/08/01	M/s. Trichy Pharmachem Pvt. Limited, Vinny Garden Sanjeevi- nagar, Devadhaman Trichy-620002	Specification for pack- aged drinking water (other than packaged natural Mineral water)	14543			98
010.	6406765	2003/07/30	M/s. N.G.A. Steel Private Ltd. Pappankadu Karukkampalayam Village (Near) Palmadai Morur Post, Sankari Taluk Salem Dt.-637304	Mild Steel Wire for Metal Arc. Welding Electrode (Third Revision)	01786			85
011.	6406866	2003/07/28	M/s. T.A. Boards & Doors Thokur Halangadi Mangalore-574146.	Specification for ply- wood for general pur- poses (Third Revision)	00303			89
012.	6406967	2003/07/28	M/s. Sarkar Laminates S. No. 15/8, D1(P) Kallapu, Permannur Village Mangalore, Tahuk.	Specification for Block Boards (Third Revision)	01659			90
013.	6407060	2003/07/28	M/s. Metalco Panels Plot No. 193 (Part) Indl. Area Baikampady Revision, New Mangalore-575011	Specification for ply- wood for general pur- poses (Third Revision)	00303			89
014.	6407161	2003/07/30	M/s. Thyrisur Fashion Jewellery VI/844 To 847 Maithanam Varkala Thiruvananthapuram- 695 141	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking —Specification (Third Revision)	01417			99
015.	6407262	2003/08/05	M/s. Thamiraparani Packaged Drinking Water 37/1, Canyon Colony South West Srivaikuntham VOC District.	Specification for Packaged Drinking water (other than Packaged natural, Mineral water)	14543			98

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
016.	6407363	2003/07/31	M/s Wood Board BP. V/92. A Keeriyad Valapattanam Kanpur DT-670 010	Specification for Marine plywood (First Revision)	00710			76
017.	6407464	2003/08/01	M/s. Wood Board BP. V/92 A Keeriyad Valapattanam Kanpur DT-670 010	Specification for Block Boards (Third Revision)	01659			90
018.	6407565	2003/08/05	M/s. Apurva Aqua Products No. 72. Lakshmi Priya Gardens Chettipedu-Uttkottai Road Kuthambakkam Village Poonamallee Taluk Thiruvallur DT	Specification for packaged Drinking water (other than Packaged Natural Mineral water)	14543			98
019.	6407666	2003/07/28	M/s: Shubha Mangala Industries A-416, 417, & 418 9th Main, II Stage Peenya Industrial Estate Bangalore-560 058	Specification for Compunder Feeds for cattle (Third Revision)	02052			79
020.	6407767	2003/07/28	M/s. Shubha Mangala Industries A-416, 417 & 418 9th Main, II Stage Peenya Industrial Estate Bangalore-560 058	Polutry Feeds-Specification (Fourth Revision)	01374			92
021.	6407868	2003/07/28	M/s. Rohina Cables Plot No. 21 G Ambattur SIDCO Indl., Estate Ambattur Chennai-600 098	Aluminium conductors for overhead Transmission Purposes Part 4 : Alloy Stranded Conductors (Aluminium Magnesium Silicon Type) (Third Revision)	00398	04		96
022.	6407969	2003/08/06	M/s. Pavai Alloys & Steel Pvt. Ltd. S. F.No. 433/4 A, B, C, D Nallur Kandamapalayam Paramathi Vellur Taluk Namakk, DT-636 203	Mild Steel Wire for Metal ARC Welding Electrodes (Third Revision)	01786			85
023.	6408062	2003/08/07	M/s. Ghardon Distilled Water and Acid Suppliers No. 147 Medavakkam Main Road Kovilambakkam Chennai-600 117	Specification for Packaged Drinking water (other than Packaged Natural Mineral Water)	14543			98
024.	6408163	2003/07/15	M/s. Alfaa Engineering Industry 27-A M. K. Palayam Road B.R. Puram Peelamedu Coimbatore-641 004	Submersible Pumpsets-Specification (First Revision)	08034			89
025.	6408264	2003/07/18	M/s. Butterfly Electricals & Electronics Pvt. Ltd (II) 3, Kumaran Nagar Sholinganallur Chennai-600 119	Switches for Domestic and Similar Purposes (Second revision)	03854			97
026.	6408365	2003/08/11	M/s. Sangam Wires Pvt. Ltd Sy No. 179 & 180 Yellampet Villgae Medchal, Mandal R. R. District	Specification for Plan Hard Drawn Steel wire for prestressed Concrete-Part 1 : Cold-Drawn Stress Relieved wire (Second Revision)	01785	01		83

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
027.	6408466	2003/08/08	M/s. Sluo-Lite Pvt. Plot No. M-11, 7th Corss, 1st stage Peenya Indl. Estate, Bangalore-560 058	Specification for Starters for Fluorescent Lamps (Thirs Revision)	02215			83
028.	6408567	2003/07/28	M/s. Om Murgan Industries Door No. 11 & 12 Ramakrishnapuram Ganapathy (P.O) Coimbatore-641 006	Openwell Sub-mersible Pumpsets-Specification	14220			94
029.	6408668	2003/07/28	M/s. Southern Iron & Steel Co. Ltd. Pottaneri Village Methur Taluk, Salem DT.-636 453	Mild steel wire for Metal ARC welding (Third Revision)	02879			98
030.	6408769	2003/08/13	M/s. Yesteen Industies 210/2, Netaji Nagar Nanjudapuram Road, Coimatore-641 036	Summersible Pumpsets (First Revision)	08034			
031.	6408870	2003/07/28	M/s. Yesteen Industies 210/2 Netaji Nagar Nanjundapuram Road, Coimbatore-641 036	Motors for Sub-mersible Pumpsets-Specification (First Revision)	09283			95
032.	6408971	2003/08/12	M/s. Arkay Water Products R. S. No. 355/5 East Coast Road Kottakuppam Villupuram-605 104	Specification for Packaged Drinking water (other than Packaged Natural Mineral water)	14543			98
033.	6409064	2003/08/14	M/s. Madhuganga Industry 31/9, Tanakankaij. Road Ojanahalli Village Koppal-583 231	Packaged Drinking water other than Packaged Natural Mineral water	14543			98
034.	6409165	2003/07/25	M/s. Cookson India Limited Dev. Plot No. 16 North Phase Anibattur, Chennai-0600 098	Solvent Cement for USE with Unplasticized Polyvinylchloride Plastic Pipe and Fittings	14182			94
035.	6409266	2003/08/08	M/s. Sri Chanukya Caramel Pvt. Ltd. NH-4, Chittoor to Chennai Road Mapakahi, near Gopalapuram Narigapally P.O. Chittoor District	Caramel-Specification (Second Revision)	04467			96
036.	6409367	2003/08/08	M/s. ECE Industries Ltd Division (Unit II) 8-4-300/2 A Ashok Marg, Sanath Nagar, Hyderabad-500 018	AC Watthour Meters, Class 0.5, 1 and 2	13010			90
037.	6409569	2003-08-07	M/s Jai. Products 2/42Siruseri Kancheepuram-603 103	Specification for packaged Drinking water (other than packaged natural, Minaral Water)	14543		98	
038.	6409872	2003-08-14	M/s Andavar Aqua Tech 63C/1 Sidco Industrial Estate Ambattur Chennai-600098	Specification for Packaged Drinking Water (Other than Packaged natural, Mineral Water	14543		98	
039.	6409973	2003-08-13	M/s Sri Chakra Cements Ltd. A.R Peta Alamanda (R.S) Jani Mandal, Vizianagaram Dt-535 240	Specification for 43 Grade Ordinary Portland Cement (First Revision)	08112		89	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
040.	6410049	2003-08-08	M/s BPL. Soft Energy Systems Ltd. 7A(Part) KIADB Indl. Area Somanahalli Maddur Mandya Dt-571428	Multipurpose Dry Batteries (First Revision)	08144			97
041.	6410150	2003-08-07	M/s Ketaki Engineering Pvt. Ltd., A-8, Indl. Estate Ambattur Chennai- 600058	Monoset Pumpsets for Clear Cold Water for Agricultural, Purposes—Specification (First Revision)	09079			89
042.	6410251	2003-08-07	M/s Addvaat Vuyypar, Ltd. R.S No. 62/6 Thethampakkam Suthukani post Mannadipet Commune Pondicherry-685502	Mild Steel wire for metal arc welding electrodes (Third Revision)	01786			85
043.	6410453	2003-08-06	M/s Indus. Steels & Alloys (Pvt.) Ltd. Uliveernapalli Hosur-Thali Road Denkanilota Taluk Dharmapur Dt. Tamil Nadu-635114	Mild Steel Wire for metal arc welding electrodes (Third Revision)	01786			85
044.	6410554	2003-08-14	M/s Shri Mahaganapathy Industry No. 9, (Old No. 14-D) 7th Street (Near Telephone Exch.) Sathy Road Ganapathy Coimbatore-641006	Motors for Submersible Pumpsets—Specification (First Revision)	08034			95
045.	6410655	2003-08-22	M/s Mettur Mineral Water and Chemicals 4/199 Cauvery Cross Navapatti Post Mettur Dam-636452	Specification for packaged Drinking Water (Other than Packaged Natural Mineral, Water)	14543			98
046.	6410958	2003-08-21	M/s Alukkas Jewellery 19/377 B.A.V.K. Nair Road Thalassery Kanpur Dt. 670101	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking—Specification (Third Revision)	01417			99
047.	6411051	2003-08-21	M/s Ellaii Laxmi Monosets (P) Ltd. Unit II, 32 Athani P.O. SICDO Industrial Estate Kurichi Coimbatore-641021	Submersible Pumpsets—Specification (First Revision)	08034			89
048.	6411152	2003-08-21	M/s Ellaii Laxmi Monosets (P) Ltd. Unit II, 32 Athani P.O. SICDO Industrial Estate Kurichi Coimbatore-641021	Motors for Submersible Pumpsets—Specification (First Revision)	09283			95
049.	6411253	2003-08-21	M/s Sri Murugan Pipes (P) Ltd. No. 85, Vanagaram Road Kieel Ayanambakkam Chennai-602102	Unplasticized PVC Pipes for Potable Water Supplies—Specification (Third Revision)	04985			00
050.	6411354	2003-08-26	M/s Alukkas Jewellery 1157/26 T.B. Road Palakkad-678014	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking-Specification (Third Revision)	01417			99

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
051.	6411455	2003-08-21	M/s M.A Wood Products (P) Ltd. Battipadav, Koliyoor Village Vorkady P.O. Manjeshwar (Via) Kasaragod-671323	Specification for Wooden Flush Door Shutters (Solid Core Type) Part 1: Plywood Face Panels (Sixth Revision)	02202		01	99
052.	6411556	2003-08-26	M/s Theertha Jewellery IX/369 Chentrapinni P.O. Trichur-680687	Gold and Gold Alloys Jewellery/Artefacts—Fineness and Marking—Specification (Third Revision)	01417			99
053.	6411657	2003-08-21	M/s Texmo Industries Mettupalayam Road G.N. Mills P.O. Coimbatore-641029	Specification for Submersible Pumpsets (First Revision)	08034			95
054.	6411758	2003-08-21	M/s Texmo Industries Mettupalayam Road G.N. Mills P.O. Coimbatore-641029	Motors for Submersible Pumpsets—Specification (First Revision)	09283			95
055.	6411859	2003-08-21	M/s Rich Aqua Tech 3-323 K.A.M Nagar Trichy Road Selaipadi Village Dindigul-624005	Specification for Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543			98

[No. CMD-4/13:11]

S.K. CHAUDHURI, Dy. Director General (Marks).

कोयला मंत्रालय

नई दिल्ली, 20 अप्रैल, 2004

का०आ० 1079.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का० आ० 1804, तारीख 17 जुलाई, 2001 जो भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii) तारीख 28 जुलाई, 2001 में प्रकाशित की गई थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका माप 2562.00 हेक्टर (लगभग) या 6338.115 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उप-खंड (ii), तारीख 14 जुलाई, 2003 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का० आ० 798 (अ), तारीख 14 जुलाई, 2003 द्वारा 28 जुलाई, 2003 से प्रारंभ होने वाली और एक वर्ष की अवधि को ऐसी अवधि के रूप में विनिर्दिष्ट करती है, जिसके भीतर केन्द्रीय सरकार उक्त भूमि या ऐसी भूमि में या उस पर के अधिकारों का अर्जन करने के अपने आशय की सूचना दे सकेगी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्य है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, इससे संलग्न अनुसूची में यथावर्णित 305.80 हेक्टर (लगभग) या 755.63 एकड़ (लगभग) माप वाली भूमि का अर्जन करने के अपने आशय की सूचना देती है—

टिप्पणी 1: इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी- I(ई)/III/जेजेजेआर/711-1103, तारीख 13 नवम्बर, 2003 का निरीक्षण, कलेक्टर, चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-(700001) के कार्यालय में या वेस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व विभाग) कोल इस्टेट, सिविल लाईन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

टिप्पणी 2 : कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है जिसमें निम्नलिखित उपबंध हैं :—

“8 अर्जन की बाबत आपत्तियाँ :

- (1) कोई व्यक्ति, जो किसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिनों के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :—इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी, कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

- (2) उपधारा (1) के अधीन प्रत्येक आपत्तियां सक्षम प्राधिकारी को लिखित रूप में किया जाएगा और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसे सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, जो वह आवश्यक समझता है, यदि कोई हो, करने के पश्चात् वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमियों में या उन पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाहियों के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

- (3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पणी 3 :—केन्द्रीय सरकार ने अधिसूचना संख्यांक संख्या का०आ० 2519, तारीख 27 मई, 1983 भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 11 जून, 1983 में प्रकाशित की गई थी, द्वारा कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया गया है।

अनुसूची

पौनी विस्तारण विवृत परियोजना

बल्लारपुर क्षेत्र

जिला चंद्रपुर (महाराष्ट्र)

(रेखांक सं. सी - 1 (ई)/III/जेजेजेआर/711-1103, तारीख 13 नवम्बर, 2003)

सभी अधिकार :

क्रम सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1	साकरी	2	राजौरा	चंद्रपुर	305.80	भाग

कुल क्षेत्र : 305.80 हेक्टर (लगभग)

या

755.63 एकड़ (लगभग)

ग्राम साकरी में अर्जित किए जाने वाले प्लॉट संख्यांक :

78, 79, 80, 86/1- 86/2, 87/1- 87/2ए- 87/2बी- 87/2सी, 88/1- 88/2- 88/3- 89, 90/1- 90/2, 91, 92/1- 92/2- 92/3, 93/1- 93/2- 93/3- 93/4, 94, 95, 96, 97, 98, 106/1- 106/2, 107, 108, 109/ए- 109/बी, 110/ए- 110/बी, 111/1- 111/2- 111/3, 112/1- 112/2, 113/1- 113/2- 113/3, 114, 117, 118, 123, 124, 125, 126/1- 126/2- 126/3, 127, 128/1- 128/2, 129, 130, 131, 132/1- 132/2, 133/1- 133/2, 134, 135, 136, 137, 138/1- 138/2, 139/1- 139/2, 140/1- 140/2- 140/3- 140/4- 140/5, 141, 142, 143, 144, 145, 146/1- 146/2- 146/3, 149, 150/1- 150/1बी- 150/2, 151, 152, 154, 155, 156, 157, 158/1- 158/2- 158/3, 159/1- 159/2, 160/1- 160/2, 161, 162/1- 162/2, 163/1- 163/2- 163/3- 163/4, 164/1ए- 164/1बी- 164/2- 164/3, 165/1- 165/2- 165/3, 166, 167, 168, 169, 170, 171/1- 171/2- 171/3- 171/4, 172/1- 172/2, 173/1- 173/2, 174, 175, 176/1- 176/2- 176/3- 176/4, 177, 178/1- 178/2, 179/1- 179/2, 180/1- 180/2, 181/1- 181/2- 181/3- 182, 183, 184, 185, 186/1- 186/2- 186/3, 187/1- 187/2- 187/3, 188/1- 188/2ए- 188/2बी, 189, 190, 191/1- 191/2- 192/1- 192/2- 193,

194/1- 194/2- 194/3- 194/4, 195/1- 195/2, 196/1- 196/2- 196/3- 196/4, 197/1- 197/2- 197/3- 197/4, 198/1- 198/2, 199, 200, 214/1- 214/2, 215/1ए- 215/1बी- 215/2, 216/1- 216/2, 217/1- 217/2- 217/3- 217/4- 217/5, 265, 266, 267/1ए- 267/1बी- 267/1सी- 267/1डी- 267/2, 267/3, 279/1, 279/2, 279/3, 280/1- 280/2, 281/1ए- 281/1बी- 281/2ए, 281/2बी- 281/3ए- 281/3बी, 282, 283, 284/1- 284/2- 285/1- 285/2- 285/3- 285/4.

सीमा वर्णन :

- क - ख : रेखा बिन्दु 'क' से आरम्भ होती है और ग्राम साकरी और पौनी की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और साकरी नाला को पार करती है, ग्राम साकरी और पौनी की सम्मिलित ग्राम सीमा के साथ-साथ जाती पीडब्ल्यूडी के रास्ते को पार करती है तथा साकरी नाले के पूर्वी किनारे के साथ जाती है और बिन्दु 'ख' पर मिलती है।
- ख - ग : रेखा साकरी नाला के पूर्वी किनारे और प्लॉट संख्या 214/1- 214/2, 217/1- 217/2- 217/3- 217/4- 217/5, 216/1- 216/2 की बाह्य सीमा के साथ-साथ ग्राम साकरी से होती हुई जाती है और बिन्दु 'ग' पर मिलती है।
- ग - घ : रेखा प्लॉट संख्या 216/1- 216/2, 279/1- 279/2- 279/3, 280/1- 280/2, 281/1ए- 282/1बी- 281/2ए- 281/2बी- 281/3ए- 281/3बी, 267/1ए- 267/1बी- 267/1सी- 267/1डी- 267/2- 267/3, 265 की बाह्य सीमा के साथ-साथ ग्राम साकरी से होती हुई जाती है साकरी नाला को पार करती है और बिन्दु 'घ' पर मिलती है।
- घ - ङ : रेखा साकरी नाला के पश्चिमी किनारे के साथ-साथ ग्राम साकरी से होते हुए जाती है फिर प्लॉट संख्या 285/1- 285/2- 285/3- 285/4 की बाह्य सीमा के साथ जाती है सीजनल वॉटर कोर्स को पार करती है फिर प्लॉट संख्या 158/1- 158/2- 158/3, 154, 152, 150/1- 150/1बी- 150/2, 149, 146/1- 146/2- 146/3, 145, 144, 123, 124, 125, 127, 118, 117, 114, 113/1- 113/2- 113/3 की बाह्य सीमा के साथ-साथ जाती है और बिन्दु 'ङ' पर मिलती है।
- ङ - च : रेखा प्लॉट संख्या 146/1- 146/2- 146/3, 145, 144, 123, 124, 125, 127, 118, 117, 114, 113/1- 113/2- 113/3 की बाह्य सीमा के साथ-साथ ग्राम साकरी से होते हुए जाती है, पीडब्ल्यूडी रोड को पार करती है और प्लॉट संख्या 106/1- 106/2 की बाह्य सीमा के साथ-साथ जाती है और बिन्दु 'च' पर मिलती है।
- च - क : रेखा प्लॉट संख्या 106/1- 106/2, 107, 98, 95, 94, 78, 79, 80, 87/1- 87/2ए- 87/2बी- 87/2सी, 86/1- 86/2 की बाह्य सीमा के साथ-साथ ग्राम साकरी से होते हुए जाती है और आरंभिक बिन्दु 'क' पर मिलती है।

[सं. 43015/7/2001-पी.आर.आई.डब्ल्यू.]

संजय बहादुर, निदेशक

MINISTRY OF COAL

New Delhi, the 20th April, 2004

S.O. 1079.—Whereas by the notification of the Government of India in the Ministry of Coal number S. O. 1804 dated the 17th July, 2001, published in the Gazette of India, Part-II, Section-3, Sub-Section (ii) dated the 28th July, 2001 under Sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government gave notice of its intention to prospect for coal in the lands measuring 2562.00 hectares (approximately) or 6338.115 acres (approximately) in the locality specified in the Schedule annexed to that notification;

And whereas the notification of the Government of India in the Ministry of Coal number S.O. 798(E) dated the 14th July, 2003 under Sub-Section (1) of Section 7 of the said Act, and published in the Gazette of India Extraordinary in Part-II, Section 3, Sub-Section (ii) dated the 14th July, 2003, the Central Government specified a further period of one year commencing from the 28th July, 2003 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands;

And whereas the Central Government is satisfied that coal is obtainable in a part of said lands;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands measuring 305.80 hectares (approximately) or 755.63 acres (approximately) and all rights in or over such lands as described in the Schedule appended hereto;

Note 1.— The plan of the area bearing No. C-I(E)/ III/JJRR/711-1103 dated the 13th November, 2003 covered by this notification may be inspected in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1 Council House Street, Kolkata (Pin 700 001) or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

Note 2.— Attention is hereby invited to the provisions of Section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) which provides as follows :—

“8. Objections to Acquisition :

Any person interested in any land in respect of which a notification under Section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation : It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be under taken by the Central Government or by any other person.

(2) Every objection under Sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under Sub-section (1) of Section 7 or of rights in or over such land or make different reports in respect of different parcels of such land or of rights in or over such land to the Central Government, containing his recommendations on the objections, together with the record of proceeding held by him, for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.”

Note 3.—The Coal Controller, 1, Council House Street, Kolkata-700 001, has been appointed by the Central Government as the competent authority under the Act, vide notification number S.O. 2519 dated the 27th May, 1983, published in Part-II, Section 3, Sub-section (ii) of the Gazette of India, dated the 11th June, 1983.

SCHEDULE

Pauni Expansion Opencast Project

Ballarpur Area

District Chandrapur (Maharashtra)

(Plan No. C-I (E)/III/JJRR/711-1103 dated the 13th November, 2003)

All rights :

Serial number	Name of Village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Sakri	2	Rajura	Chandrapur	305.80	Part

Total area : 305.80 hectares

(approximately)

or

755.63 acres

(approximately,

Plot numbers to be acquired in village Sakri :—

78, 79, 80, 86/1- 86/2, 87/1- 87/2A- 87/2B-87/2C, 88/1-88/2-88/3, 89, 90/1-90/2, 91, 92/1-92/2-92/3, 93/1-93/2-93/3-93/4, 94, 95, 96, 97, 98, 106/1-106/2, 107, 108, 109/A-109/B, 110/A- 110/B, 111/1-111/2-111/3, 112/1-112/2, 113/1-113/2-113/3, 114, 117, 118, 123, 124, 125, 126/1-126/2-126/3, 127, 128/1-128/2, 129, 130, 131, 132/1-132/2, 133/1-133/2, 134, 135, 136, 137, 138/

1-138/2, 139/1-139/2, 140/1-140/2-140/3-140/4-140/5, 141, 142, 143, 144, 145, 146/1-146/2-146/3, 149, 150/1-150/1B-150/2, 151, 152, 154, 155, 156, 157, 158/1-158/2-158/3, 159/1-159/2, 160/1-160/2, 161, 162/1-162/2, 163/1-163/2, 163/3-163/4, 164/1A-164/1B-164/2-164/3, 165/1-165/2, 165/3, 166, 167, 168, 169, 170, 171/1-171/2, 171/3-171/4, 172/1-171/2, 173/1-173/2, 174, 175, 176/1-176/2-176/3-176/4, 177, 178/1-178/2, 179/1-179/2, 180/1, 180/2, 181/1-181/2-181/3, 182, 183, 184, 185, 186/1-186/2-186/3, 187/1-187/2-187/3, 188/1-188/2A-188/2B, 189, 190, 191/1-191/2, 192/1-192/2, 193, 194/1-194/2-194/3-194/4, 195/1-195/2, 196/1-196/2-196/3-196/4, 197/1-197/2-197/3-197/4, 198/1-198/2, 199, 200, 214/1-214/2, 215/1A-215/1B-215/2, 216/1-216/2, 217/1-217/2-217/3-217/4-217/5, 265, 266, 267/1A-267/1B-267/1C-267/1D-267/2-267/3, 279/1-279/2, 279/3, 280/1-280/2, 281/1A-281/1B-281/2A-281/2B-281/3A-281/3B, 282, 283, 284/1-284/2, 285/1-285/2-285/3-285/4.

Boundary description :-

- A-B : Line start from point 'A' and passes along the common village boundary of village Sakri and Pauni crosses Sakri Nallah proceeds along the common village boundary of village Sakri and Pauni then crosses PWD Road along the Eastern Bank of Sakri Nallah and meets at point 'B'.
- B-C : Line passes through village Sakri along with the Eastern Bank of Sakri Nallah and outer boundary of plot numbers 214/1-214/2, 217/1-217/2-217/3-217/4-217/5, 216/1-216/2 and meets at point 'C'.
- C-D : Line passes through village Sakri along the outer boundary of plot numbers 216/1-216/2, 279/1-279/2-279/3, 280/1-280/2, 281/1A-281/1B-281/2A-281/2B-281/3A-281/3B, 267/1A-267/1B-267/1C-267/1D-267/2-267/3, 265, crosses Sakri Nallah and meets at point 'D'.
- D-E : Line passes through village Sakri along the Western Bank of Sakri Nallah and then proceeds along the outer boundary of plot number 285/1-285/2-285/3-285/4, crosses seasonal water course and then proceeds along the outer boundary of plot numbers 158/1-158/2-158/3, 157, 156, 155, 154, 152, 150/1-150/1B-150/2, 149, 146/1-146/2-146/3 and meets at point 'E'.
- E-F : Line passes through village Sakri along the outer boundary of plot numbers 146/1-146/2-146/3, 145, 144, 123, 124, 125, 127, 118, 117, 114, 113/1-113/2-113/3, crosses PWD Road and passes along the outer boundary of plot number 106/1-106/2 and meets at point 'F'.
- F-A : Line passes through village Sakri along the outer boundary of plot numbers 106/1-106/2, 107, 98, 95, 94, 78, 79, 80, 87/1-87/2A-87/2B-87/2C, 86/1-86/2 and meets at starting point 'A'.

[No. 43015/7/2001-PRIW]

SANJAY BAHADUR, Director,

शुद्धि-पत्र

नई दिल्ली 20 अप्रैल, 2004

का. आ. 1080.— भारत के असाधारण राजपत्र, तारीख 17 फरवरी, 2004 के भाग 2, खण्ड 3, उपखण्ड (ii) में पृष्ठ क्रमांक 1 से 12 पर प्रकाशित, भारत सरकार कोयला मंत्रालय की अधिसूचना का.आ. 203 (अ) तारीख 17 फरवरी, 2004 में :-

पृष्ठ क्रमांक 3, तालिका में,

क्रम संख्या 3, "सुबभोडी" के स्थान पर "सुआभोडी" पढ़ें।

(1) ग्राम मलगाँव (भाग) में अर्जित किये जाने वाले खसरा संख्याओं में, पंक्ति 12, "191/1, 192/2" के स्थान पर "192/1, 192/2" पढ़ें।

पृष्ठ क्रमांक 4,

पंक्ति 14, "556/1 556/2, 556/2" के स्थान पर "556/1, 556/2" पढ़ें।

(2) ग्राम हरदी बाजार (भाग) में अर्जित किये जाने वाले खसरा संख्या में पंक्ति 19, "112/12, 113/14," के स्थान पर "112/12, 112/13, 112/14" पढ़ें।

पृष्ठ क्रमांक 5,

पंक्ति 13, "207/12, 208/13" के स्थान पर "207/12, 207/13" पढ़ें।

(3) ग्राम सुआभोडी (भाग) में अर्जित किये जाने वाले खसरा संख्यांक में,

पृष्ठ क्रमांक 6

पंक्ति 5, "350/1, 350/2, 2" के स्थान पर "350/1, 350/2" पढ़ें।

पंक्ति 7, "355/1, 355/2, 355/2," के स्थान पर "355/1, 355/2" पढ़ें।

पंक्ति 11, "359/24, 359/2 (भाग), 5" के स्थान पर "359/24, 259/25" (भाग) पढ़ें।

रेखा ठ—ड—ढ—ण,

पंक्ति 3, 4, "145 की पूर्वी सीमा के साथ-साथ और खसरा संख्या 338, 336, 655 की पूर्वी सीमा खसरा संख्या 340 के साथ साथ से होते " के स्थान पर "145 की पूर्वी सीमा के साथ साथ, खसरा संख्या 340 से, खसरा संख्या 338, 336, 655 की पूर्वी सीमा से होते" पढ़ें।

पृष्ठ क्रमांक 12, रेखा त—थ—द,

पंक्ति 2, "होतु हुए ग्राम" के स्थान पर "होते हुए ग्राम" पढ़ें।

पंक्ति 3, "होतु हुए खसरा" के स्थान पर "होते हुए खसरा" पढ़ें।

रेखा द—ध—छ,

पंक्ति 6, "ग्राम सुआभोडी" के स्थान पर "ग्राम सुआभोडी" पढ़ें।

[सं. 43015/19/2000-पीआरआईडब्ल्यू]

संजय बहादुर, निदेशक

CORRIGENDUM

New Delhi, the 20th April, 2004

S.O. 1080.—In the notification of the Government of India in the Ministry of Coal No. S.O. 203(E) dated 17th February, 2004, published in the extraordinary Gazette of India, Part II, Section-3, Sub-Section (ii) dated the 17th February, 2004—

At page 14, In (1) Khasra numbers to be acquired in village Malgaon (Part),

Line 4, for "173, 17" read "173, 174".

Line 8, for "191/2, 19(Part), 191/1, 192/2" read "191/2, 194(part), 192/1, 192/2"

Line 12, for "211/2, 21(, 248/2 (part)", read "211/2, 211/4, 248/2(part)",

Line 13, for "251/3, 25(," read "251/3, 251/4",

Line 14, for "254/1(par)", read "254/1(part)",

Line 18, for "543/6, 543/7, 543/7" read "543/6, 543/7",

Line 23, for "556/1, 556/2, 556/2" read "556/1, 556/2",

At page 15, In 2) Khasra numbers to be acquired in village Hardi Bazar (part),

Line 12, for "112/2, 1123", read "112/2, 112/3"

Line 13, for "112/12, 113/14, 112/15" read "112/12, 112/13, 112/14, 112/15",

Line 22, for "207/12, 208/13, 20/4" read "207/12, 207/13, 207/14",

Line 24, for "211/3, 21(, 212/1," read "211/3, 211/4, 212/1",

Line 28. for "221/3, 22(" read "221/3, 221/4",

Line 29, for "241/3, 24(" read "241/3, 241/4",

Line 33, for "250/13, 250/1(K)" read "250/13, 250/14(K)",

At page 16

For "2)Khasra numbers" read "3)Khasra numbers".

In 3)Khasra numbers to be acquired in village Suwabondi (Part)

Line 6, for "350/2, 2" read "350/2",

Line 8, for "355/1, 355/2, 355/2" read "355/1, 355/2",

Line 9, for "359/13, 359/1," read "359/13, 359/14",

Line 10, for "359/24, 359/2(Part) 5" read "359/24, 359/25(Part)",

Line 14, for "371/3, 37(,372" read "371/3, 371/4, 372",

for "3) Khasra numbers" read "4) Khasra numbers",

In 4) Khasra numbers to be acquired in village Amgaon (part)–

Line 1, for "1/3, (,1/5(k)" read "1/3, 1/4, 1/5(k)",

Line 9, for "21/3, 2(,21/5" read "21/3, 21/4, 21/5",

Line 12, for "28/5(D), 28/(P)" read "28/5(D), 28/5(P)",

Line 16, for "36/17, 36/18, 36/19" read "36/19",

Line 18, for "66/, 40/8" read "66/4, 40/8",

Line 22, for "61/3, 6(,61/5" read "61/3, 61/4, 61/5",

Line 23, for "64/2, 64/," read "64/2",

At page 17,

Line 1, for "64/3, 74/4" read "64/3, 64/4",

Line 2, for 70/3, 70/, 70/4, 70/5" read "70/3, 70/4, 70/5",

Line 3, for "72/5, 72/5, 72/6" read "72/5, 72/6",

Line 8, for "91/3, 9(," read "91/3, 91/4",

Line 12, for "111/3, 11(," read "111/3, 111/4",

Line 14, for "118/4, 118/5" read "118/4, 118/5",

Line 16, for "121/3K, 12(," read "121/3k, 121/4",

Line 21, for "151/3, 15(," read "151/3, 151/4",

Line 31, for "341/3, 34/4, 341/5, 341/6, 341/6" read "341/3, 341/4, 341/5, 341/6",

Line 41, for "381/1, 380/2, 382" read "381/1, 381/2, 382",

At page 18

Line 3, for "421/3, 42(," read "421/3, 421/4",

Line 4, for "431/3K, 431/3kh, 43(," read "431/3k, 431/3kh, 431/4",

Line 10, for "479/1, 79/2" read "491/1, 479/2".

- Line 15, for "502/1 1502/2, read "502/1, 502/2",
 Line 16, for "506/6, 506/, 506/8," read "506/6, 506/7, 506/8",
 Line 17, for "511/3 51(" read "511/3, 511/4",
 Line 18, for "511/11, 511/11/12" read "511/11, 511/12",
 Line 25, for 531/3, 53(" read "531/3, 531/4",
 Line 27, for "541/3, 54(" read "531/3, 531/4",
 Line 30, for "541/39, 54(0, 54(1, 54(2, 54(3, 54(4, 54(5, 54(6, 54(7, read 541/39, 541/40, 541/41, 541/42, 541/43, 541/44, 541/45, 541/46, 541/47",
 Line 39, for "568/1, 568/2, 568/2, 568/3, 568/45" read "568/1, 568/2, 568/3, 568/4, 5"

At page 19.

- Line 1, for "577/8, 557/9" read "577/8, 577/9",
 Line 7, for "601/3, 60(" read "601/3, 601/4",
 Line 17, for "640/3, 340/4", read "640/3, 640/4",

In boundary description, Line L-M-N-O,

- Line 1, for "along Khasra Eastern-southern" read "along the Eastern-southern".

At page 20, Line R-S-G,

- Line 1, for "Village Hardi bazaar" read "village Hardi bazaar".
 Line 7, for "and entire in village" read "and enter in village".

[No. 43015/19/2000-PRIW]

SANJAY BAHADUR, Director

विद्युत मंत्रालय

नई दिल्ली, 22 अप्रैल, 2004

का.आ. 1081.—केन्द्रीय सरकार, ऊर्जा संरक्षण अधिनियम, 2001 (2001 का 52) की धारा 4 की उप धारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए शासी परिषद् में निम्नलिखित सदस्यों को नियुक्त करती है और उस प्रयोजन के लिए भारत सरकार के विद्युत मंत्रालय की अधिसूचना सं. का.आ. 1472, तारीख 26 अप्रैल, 2002 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में क्रम संख्यांक 24 और 25 के सामने निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

- | | | | |
|-----|----------------------------------|---|---------|
| 24. | अध्यक्ष, रेल बोर्ड, रेल मंत्रालय | ब्यूरो की शासी परिषद् द्वारा नामनिर्देशित | सदस्य |
| 25. | सचिव, शहरी विकास मंत्रालय | ब्यूरो की शासी परिषद् द्वारा नामनिर्देशित | सदस्य"। |

[फा. सं. 13/2/2001-ई एम]

दिनेश चन्द्र श्रीवास्तव, निदेशक

MINISTRY OF POWER

New Delhi, the 22nd April, 2004

S. O. 1081.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 4 of the Energy Conservation, Act, 2001 (52 of 2001), the Central Government hereby appoints the following members of the Governing Council and for that purpose makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 1472, dated the 26th April, 2002, namely :—

In the said notification, against serial numbers 24 and 25, the following shall be inserted, namely :—

“24.	Chairman, Railway Board, Ministry of Railways	Nominated by the Governing Council of the Bureau	Member
25.	Secretary, Ministry of Urban Development	Nominated by the Governing Council of the Bureau	Member”

[F. No. 13/2/2001-EM]

D. C. SRIVASTAVA, Director

परमाणु ऊर्जा विभाग

मुंबई, 23 अप्रैल, 2004

का. आ. 1082.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40), सरकारी स्थान की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, परमाणु ऊर्जा विभाग, भारत सरकार के दिनांक. 26-03-1996 के का.आ. सं. 1146 की अधिसूचना में आगे निम्नलिखित संशोधन करती है।

उपर्युक्त अधिसूचना में दी गई सारणी के स्थान पर निम्नलिखित सारणी रखी जाए, अर्थात् :—

“सारणी

अधिकारी का पदनाम	सरकारी स्थान
(1)	(2)
मुख्य प्रबंधक (प्रशासन) यूरेनियम कारपोरेशन ऑफ इंडिया लिमिटेड, जादूगुडा माइन्स, जिला-सिंहभूम (पूर्व), झारखंड-832102	यूरेनियम कारपोरेशन ऑफ इंडिया लिमिटेड, जादूगुडा माइन्स, जिला-सिंहभूम (पूर्व) झारखंड-832 102 के प्रशासनिक नियंत्रण के अधीन स्थान”।

[फा. सं. 10/8(10)/2003-पीएसयू]

जी. एम. नायर, अवर सचिव (उद्योग एवं खनिज)

टिप्पणी : मुख्य अधिसूचना दिनांक 11 अप्रैल, 1996 के भारत के राजपत्र में भाग II खंड 3, उप-खंड (ii) में अधिसूचना सं. का. आ. 1146 दिनांक 26 मार्च, 1996 के द्वारा प्रकाशित हुई और तदुपरांत दिनांक 24 जून, 1999 की अधिसूचना सं. का.आ. 1879 द्वारा संशोधन किया गया।

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 23rd April, 2004

S. O. 1082.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Department of Atomic Energy number S.O. 1146, dated the 26th March, 1996 namely :—

In the said notification, for the Table, the following Table shall be substituted, namely :—

“TABLE

Designation of the Officer	Public Premises
(1)	(2)
Chief Manager (Administration Uranium Corporation of India Limited, Jaduguda Mines, Singhbhum (East), Jharkhand-832102	Premises under the administrative control of the Uranium Corporation of India Limited, Jaduguda Mines, Singhbhum (East), Jharkhand-832102.”

[F. No. 10/8(10)/2003-PSU]

G. M. NAIR, Under Secy. (Industries & Minerals)

Note :—The Principal notification was published in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 13th April, 1996 vide notification No. S.O. 1146, dated the 26th March, 1996 and was subsequently amended by notification No. S.O. 1879, dated the 24th June, 1999.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 27 अप्रैल, 2004

का. आ. 1083.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1844 तारीख 3 जुलाई, 2003, जो भारत के राजपत्र तारीख 5 जुलाई, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 1 अगस्त, 2003 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) में निहित होगा।

अनुसूची

तहसील:- भचाऊ

जिला:- कच्छ

राज्य:- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
1. मोटी चीरड़	690		00	01	53
	739		00	08	02
	819		00	00	30
	-	नाला	00	01	49
2. लुणवा	390/1		00	02	71
	222/1		00	09	20
	-	नाला	00	02	47
	226		00	16	11
	238/2		00	24	71
	235/1		00	18	26
	234		00	11	97
	233		00	06	08
	242/2		00	01	14
	182	पैकी	00	00	12
3. चोपडवा	106		00	03	32
4. भचाऊ	919/2		00	01	98
	930		00	05	23
	894	पैकी	00	24	13
	891	पैकी	00	09	03
	889		00	00	09
	887		00	13	46
	-	कार्ट ट्रेक	00	01	31
	833/1		00	03	21
	832		00	13	48
	701/1	पैकी	00	00	10
	-	कार्ट ट्रेक	00	00	03
5. वोंध	432/4		00	03	67
	432/5		00	05	59
	423/1		00	00	49
	402/1		00	15	93
	368/1	पैकी	00	04	56
	347		00	06	88

गट्टील:- भवाऊ		जिला:- कच्छ		राज्य:- गुजरात		
गाँव का नाम	सर्वे संख्या	भाग यदि है तो	क्षेत्रफल			
			हेक्टर	आर	सेन्टी आर	
1	2	3	4			
5. वोंध (जारी...)	345/1		00	24	72	
	320/1		00	01	41	
	317/1		00	01	24	
	243/1		00	00	64	
	189/2		00	01	51	
	-	कार्ट ट्रैक	00	00	87	
	द्रावस 1421/1	पैकी	00	31	27	
	131/1		00	01	53	
	304/2		00	05	83	
	20		00	14	13	
6. वोंधडा 7. विजपासर	5		00	00	31	
	88		00	00	42	
	245/2		00	01	26	
	245/3		00	04	76	
	258	पैकी	00	01	73	
	207/1	पैकी	00	00	66	
	197		00	03	83	
	177/1		00	06	05	
	41		00	00	18	
	869		00	09	94	
9. अधोई	783/2		00	22	16	
	782/2		00	20	15	
	782/1		00	18	76	
	781/2		00	41	81	
	653		00	04	97	
	633		00	01	72	
	434/2		00	08	97	
	321/3		00	04	20	
	321/2		00	00	87	
	295/1	पैकी	00	07	31	
10. शिवलखा	-	नाला	00	03	82	
	983		00	06	11	
	985		00	01	02	
	1014		00	01	48	
	1067/1		00	02	16	

तहसील:- भचाऊ		जिला:- कच्छ		राज्य:- गुजरात	
गाँव का नाम	सर्वे सँख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
10. शिवलखा (जारी...)	1105/3		00	00	31
	-	नाला	00	01	33
	1165/2		00	04	19
	1172		00	02	32
	1241/2		00	00	86
	-	खारी नदी	00	07	25
	130		00	08	38
	168/1		00	00	11

[फा. सं. आर-31015/3/2002-ओ.आर-II]

हरीश कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 27th April, 2004

S. O. 1083.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 1844, dated the 3rd July 2003, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 5th July, 2003, the Central Government declared its intention to acquire the right of user in the land, for the purpose of laying pipeline for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil Pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notification were made available to the public on the 1st August 2003;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited), free from all encumbrances.

(Schedule)

Taluka :- Bhachau

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(1). Moti Chirai	690		00	01	53
	739		00	08	02
	819		00	00	30
	-	Nala	00	01	49
(2). Lunwa	390/1		00	02	71
	222/1		00	09	20
	-	Nala	00	02	47
	226		00	16	11
	238/2		00	24	71
	235/1		00	18	26
	234		00	11	97
	233		00	06	08
	242/2		00	01	14
	182	P	00	00	12
	106		00	03	32
	919/2		00	01	98
(3). Chopadwa	930		00	05	23
(4). Bhachau	894	P	00	24	13
	891	P	00	09	03
	889		00	00	09
	887		00	13	46
	-	Cart Track	00	01	31
	833/1		00	03	21
	832		00	13	48
	701/1	P	00	00	10
	-	Cart Track	00	00	03
	432/4		00	03	67
(5). Vondh	432/5		00	05	59
	423/1		00	00	49
	402/1		00	15	93
	368/1	P	00	04	56
	347		00	06	88

Taluka :- Bhachau

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(5). Vondh (Contd...)	345/1		00	24	72
	320/1		00	01	41
	317/1		00	01	24
	243/1		00	00	64
	189/2		00	01	51
	-	Cart Track	00	00	87
	Trowers 1421/1	P	00	31	27
	131/1		00	01	53
(6). Vondhada	304/2		00	05	83
(7). Vijapasar	20		00	14	13
	5		00	00	31
	88		00	00	42
	245/2		00	01	26
	245/3		00	04	76
	258	P	00	01	73
(8). Lakhpat	207/1	P	00	00	66
	197		00	03	83
	177/1		00	06	05
	41		00	00	18
(9). Adhoi	869		00	09	94
	783/2		00	22	16
	782/2		00	20	15
	782/1		00	18	76
	781/2		00	41	81
	653		00	04	97
	633		00	01	72
	434/2		00	08	97
	321/3		00	04	20
	321/2		00	00	87
	295/1	P	00	07	31
	-	Nala	00	03	82
	983		00	06	11
	985		00	01	02
(10). Shivilakha	1014		00	01	48
	1067/1		00	02	16

Taluka :- Bhachau		District :- Kutch		State :- Gujarat		
Name of Village	Survey No	Part if Any	ROU Area			
			Ha.	Ar.	Sq.mt.	
1	2	3	4			
(10).Shivlakha (Contd...)	1105/3		00	00	31	
	-	Nala	00	01	33	
	1165/2		00	04	19	
	1172		00	02	32	
	1241/2		00	00	86	
	-	Khari River	00	07	25	
	130		00	08	38	
	168/1		00	00	11	

[No. R-31015/3/2002-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 28 अप्रैल, 2004

क्रा. आ. 1084.— केन्द्रीय सरकार, को लोक हित में यह आवश्यक प्रतीत होता है कि उड़िसा राज्य में पारादीप से पश्चिम बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए,

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए,

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के संबंध में श्री अरविन्द घोष, सक्षम प्राधिकारी, पारादीप हल्दिया पाइपलाइन परियोजना, इंडियन ऑयल कॉरपोरेशन लिमिटेड, कसबेरीया, डाकघर — खंजनचक, पूर्व मिदनापुर — 721602 (पश्चिम बंगाल) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

पुलिस थाना : रामनगर

जिला : पूर्व मिदनापुर

राज्य : पश्चिमी बंगाल

गाँव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
वाधिया	6	96	00	05	68
		98	00	06	20
		99	00	01	24
		102	00	12	32
		104	00	03	23
		167	00	07	56
		168	00	01	47
		170	00	00	20
		179	00	03	00
		180	00	04	71
		181	00	07	61
		182	00	00	20
		265	00	02	32
		266	00	07	35
		267	00	00	20
		268	00	05	82
		269	00	05	29
		277	00	10	42
		279	00	05	03
		283	00	03	52
		284	00	02	82
		287	00	00	44
		291	00	00	20
		292	00	04	80
		293	00	00	98
		296	00	03	78
		297	00	04	56
		299	00	01	03
		301	00	09	17
		304	00	02	29
		305	00	00	20
		307	00	01	24
		308	00	00	55
		315	00	02	28
		331	00	04	17
		332	00	04	23
		333	00	01	95
		338	00	06	10
		339	00	01	86
		340	00	00	78
		365	00	01	49
		366	00	03	24
		396	00	04	78
		397	00	00	20
		398	00	00	72
		472	00	00	25
		473	00	00	98

गौव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
		483	00	00	26
		484	00	00	58
		485	00	00	20
		487	00	11	05
		694	00	00	44
		695	00	05	31
		696	00	09	06
		697	00	10	16
		699	00	09	97
		701	00	05	86
		702	00	09	49
		845	00	01	01
		846	00	03	36
		847	00	01	60
		848	00	03	51
		884	00	00	20
		885	00	09	93
		886	00	06	68
		887	00	04	23
		888	00	02	13
		893	00	00	74
		906	00	04	30
		907	00	08	48
		918	00	00	20
		921	00	04	83
		923	00	00	22
		924	00	02	33
		925	00	03	70
		927	00	04	60
		929	00	02	17
		931	00	00	63
		932	00	04	86
		933	00	00	20
		943	00	04	23
		944	00	04	34
		945	00	06	95
		946	00	02	03
		949	00	06	60
		950	00	01	35
		963	00	00	91
		964	00	04	45
		965	00	00	20
		966	00	07	61
		971	00	00	20
		972	00	05	29
		973	00	00	81
		976	00	01	52
		978	00	00	20
		980	00	07	26
		981	00	02	17
		1000	00	03	02
		1001	00	06	00

गौव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
		1005	00	03	14
		1006	00	04	70
		1008	00	00	79
		1038	00	05	42
		1039	00	05	32
		1040	00	00	20
		1041	00	00	28
		1043	00	02	72
		1042	00	03	75
		1046	00	04	12
		1056	00	00	20
		1219	00	01	79
		1224	00	05	70
		1225	00	02	72
		1226	00	00	20
		1238	00	00	94
		1239	00	02	57
		1240	00	00	82
		1241	00	03	24
		1242	00	00	39
		1243	00	05	57
		1246	00	02	32
		1247	00	03	30
		1248	00	00	71
		1249	00	01	31
		472/4038	00	03	58
		483/4039	00	10	27
		94/4189	00	00	52
		269/4201	00	05	57
		279/4203	00	03	74
		280/4204	00	01	24
		179/4206	00	04	04
		288/4209	00	01	09
		278/4210	00	00	34
		170/4215	00	01	93
		182/4218	00	02	97
		182/4219	00	06	25
		268/4221	00	05	66
		306/4240	00	00	80
		333/4247	00	00	56
		472/4265	00	04	03
		887/4321	00	02	25
		887/4322	00	03	15
		888/4323	00	01	54
		888/4324	00	00	34
		700/4339	00	00	42
		701/4341	00	03	45
		888/4359	00	03	29
		888/4360	00	03	90
		918/4366	00	02	34
		928/4369	00	04	50
		932/4370	00	00	20

गाँव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
		932/4371	00	03	48
		943/4372	00	00	95
		951/4375	00	00	51
		973/4376	00	00	20
		978/4377	00	01	59
		1005/4390	00	30	21
		1005/4391	00	00	38
		1046/4399	00	00	85
		971/4405	00	02	43
		1246/4422	00	00	20
		1246/4423	00	01	98
		1246/4424	00	01	52

पुलिस थाना: खेजुरी

देवीचक	125	137	00	02	89
		154	00	07	81
		155	00	26	40
		157	00	00	20
		158	00	03	71
		159	00	47	77
		171	00	03	28
		172	00	01	22
		173	00	01	38
		192	00	00	74
		193	00	07	66
		194	00	00	47
		195	00	00	66
		197	00	06	29
		198	00	05	74
		201	00	02	92
		202	00	03	22
		220	00	06	65
		222	00	09	57
		223	00	05	08
		225	00	03	09
		226	00	03	62
		227	00	04	11
		228	00	04	52
		251	00	03	98
		268	00	02	76
		269	00	12	26
		271	00	04	26
		274	00	04	73
		275	00	05	60
		278	00	11	25
		279	00	01	42
		296	00	05	96
		297	00	07	67
		326	00	01	39
		334	00	00	20
		337	00	05	35
		336	00	07	54

गौव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
		339	00	16	96
		340	00	03	49
		341	00	04	78
		342	00	00	20
		350	00	00	20
		351	00	01	75
		352	00	07	46
		353	00	01	38
		275/864	00	04	01
		296/865	00	09	77
		270/896	00	02	71
		293/941	00	08	32
खारन	127	78	00	02	47
		79	00	08	00
		80	00	10	60
		84	00	05	32
		85	00	02	72
		94	00	15	36
		101	00	07	84
		102	00	04	15
		105	00	01	41
		106	00	01	14
		107	00	04	20
		110	00	01	41
		111	00	04	41
		113	00	00	71
		114	00	02	32
		115	00	04	31
		116	00	01	17
		120	00	01	37
		121	00	09	53
		122	00	00	40
		124	00	03	04
		126	00	24	55
		158	00	01	86
		200	00	01	21
		451	00	00	84
		463	00	00	45
		464	00	00	30
		501	00	05	94
		502	00	03	96
		503	00	03	09
		504	00	25	12
		545	00	00	41
		546	00	00	20
		547	00	00	20
		552	00	03	04
		672	00	00	46
		673	00	00	55
		674	00	03	82
		675	00	05	89

गौव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल				
			हेक्टेयर	एयर	वर्ग मीटर		
1	2	3	4	5	6		
		676	00	00	92		
		680	00	06	82		
		681	00	05	52		
		682	00	04	29		
		683	00	01	13		
		695	00	00	23		
		696	00	06	51		
		697	00	06	24		
		698	00	02	79		
		764	00	00	20		
		765	00	00	20		
		766	00	03	17		
		767	00	06	21		
		769	00	02	78		
		770	00	05	05		
		853	00	01	00		
		857	00	00	37		
		858	00	06	67		
		859	00	12	06		
		94/1045	00	06	20		
		501/1040	00	06	27		
		551/1087	00	00	76		
		696/1114	00	08	78		
		696/1115	00	00	51		
		मौहाटि	126	1	00	01	28
				7	00	06	90
				8	00	01	26
				9	00	02	79
				10	00	16	34
				11	00	00	37
15	00			06	68		
16	00			03	33		
17	00			04	24		
18	00			16	01		
20	00			00	29		
54	00			01	65		
63	00			05	46		
64	00			00	20		
55/3761	00			08	49		
55/3762	00			00	74		
पुलिस थाना: भगवानपुर							
तेथिवाड़ी	153			433	00	01	50
		437	00	00	20		
		438	00	01	95		
		439	00	01	51		
		448	00	04	47		
		449	00	02	53		
		451	00	00	46		
		454	00	13	84		
		503	00	00	56		

गाँव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
		504	00	00	51
		505	00	05	81
		506	00	04	37
		507	00	05	55
		511	00	10	69
		514	00	04	87
		517	00	04	48
		518	00	04	18
		519	00	00	36
		521	00	00	82
		522	00	02	58
		523	00	04	19
		524	00	01	62
		535	00	08	74
		537	00	03	66
		538	00	00	49
		539	00	06	01
		556	00	01	64
		557	00	07	80
		558	00	01	01
		559	00	06	03
		574	00	03	88
		575	00	02	53
		576	00	03	61
		597	00	02	86
		598	00	01	61
		599	00	01	69
		600	00	05	32
		601	00	06	71
		623	00	12	35
		625	00	00	66
		626	00	10	56
		627	00	30	20
		632	00	00	20
		648	00	00	30
		650	00	00	20
		651	00	09	23
		652	00	03	21
		657	00	00	47
		658	00	02	32
		659	00	04	93
		660	00	07	55
		661	00	05	95
		662	00	09	34
		721	00	01	55
		771	00	06	06
		772	00	00	20
		799	00	07	52
		800	00	03	88
		801	00	02	40
		806	00	06	17
		807	00	05	71

गौव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
		879	00	00	81
		880	00	00	20
		1546	00	00	71
		1547	00	01	37
		557/1614	00	00	82
		499/1610	00	00	20
		601/1612	00	05	46
		623/1623	00	03	68
		539/1615	00	02	53
		576/1617	00	02	42
		628/1622	00	00	20
		558/1700	00	04	03
नारायण दांडि	152	4	00	01	72
		585	00	00	23
		586	00	17	03
		587	00	00	20
		591	00	00	31
		592	00	00	93
		604	00	00	25
		605	00	08	29
		606	00	04	23
		607	00	07	87
		610	00	03	70
		611	00	01	00
		612	00	01	21
		616	00	01	41
		617	00	10	76
		619	00	00	20
		725	00	00	20
		726	00	13	53
		727	00	02	64
		728	00	02	03
		731	00	07	71
		732	00	00	87
		733	00	02	86
		734	00	00	77
		735	00	01	00
		736	00	02	00
		778	00	00	89
		805	00	00	77
		820	00	01	43
		928	00	00	20
		929	00	00	29
		930	00	03	84
		933	00	00	87
		934	00	03	61
		935	00	00	20
		936	00	03	30
		941	00	00	24
		942	00	05	70
		943	00	03	53

गौव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
		949	00	03	51
		950	00	07	50
		951	00	05	67
		952	00	07	62
		953	00	00	97
		955	00	01	33
		981	00	04	86
		982	00	06	36
		983	00	01	73
		1567	00	00	76
		1568	00	01	05
		1569	00	01	43
		1570	00	07	03
		1573	00	00	62
		1602	00	01	73
		1603	00	02	08
		1604	00	03	39
		1605	00	00	76
		1607	00	00	61
		1608	00	01	57
		1609	00	09	57
		1614	00	00	58
		1617	00	02	00
		1651	00	00	42
		1652	00	00	64
		1662	00	04	07
		1663	00	01	70
		1664	00	02	36
		1665	00	02	31
		1666	00	02	58
		1667	00	02	52
		1668	00	03	42
		1669	00	05	22
		1670	00	04	52
		1671	00	00	20
		1676	00	00	20
		1730	00	00	36
		1731	00	12	30
		1732	00	13	22
		1733	00	00	20
		1792	00	03	11
		1794	00	00	86
		1795	00	09	95
		1812	00	05	43
		1822	00	04	88
		1823	00	04	22
		1824	00	05	68
		1825	00	00	79
		1826	00	06	66
		1880	00	04	94
		1881	00	01	66

गौव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
		1882	00	06	41
		1883	00	00	58
		1890	00	09	19
		1893	00	00	36
		1894	00	05	48
		1898	00	08	47
		1899	00	01	18
		4507	00	01	17
		727/4436	00	03	38
		936/4465	00	00	78
		1607/4476	00	01	43
		1731/4484	00	05	44
		1732/4485	00	00	20

[फा. सं. आर-25011/9/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 28th April, 2004

S. O. 1084.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Sri Arabinda Ghosh, Competent Authority, Indian Oil Corporation Limited, Paradip Haldia Crude Oil Pipeline Project, Kasberia, Post office – Khanjanchak, Purba Midnapur – 721602 (West Bengal).

Schedule

Police Station : Ramnagar

District : Purba Midnapur

State : West-Bengal

Name of Village	Jurisdiction List No.	Plot. No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
Badhia	6	96	00	05	68
		98	00	06	20
		99	00	01	24
		102	00	12	32
		104	00	03	23
		167	00	07	56
		168	00	01	47
		170	00	00	20
		179	00	03	00
		180	00	04	71
		181	00	07	61
		182	00	00	20
		265	00	02	32
		266	00	07	35
		267	00	00	20
		268	00	05	82
		269	00	05	29
		277	00	10	42
		279	00	05	03
		283	00	03	52
		284	00	02	82
		287	00	00	44
		291	00	00	20
		292	00	04	80
		293	00	00	98
		296	00	03	78
		297	00	04	56
		299	00	01	03
		301	00	09	17
		304	00	02	29
		305	00	00	20
		307	00	01	24
		308	00	00	55
		315	00	02	28
		331	00	04	17
		332	00	04	23
		333	00	01	95
		338	00	06	10
		339	00	01	86
		340	00	00	78
		365	00	01	49
		366	00	03	24
		396	00	04	78
		397	00	00	20
		398	00	00	72
		472	00	00	25
		473	00	00	98

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		483	00	00	26
		484	00	00	58
		485	00	00	20
		487	00	11	05
		694	00	00	44
		695	00	05	31
		696	00	09	06
		697	00	10	16
		699	00	09	97
		701	00	05	86
		702	00	09	49
		845	00	01	01
		846	00	03	36
		847	00	01	60
		848	00	03	51
		884	00	00	20
		885	00	09	93
		886	00	06	68
		887	00	04	23
		888	00	02	13
		893	00	00	74
		906	00	04	30
		907	00	08	48
		918	00	00	20
		921	00	04	83
		923	00	00	22
		924	00	02	33
		925	00	03	70
		927	00	04	60
		929	00	02	17
		931	00	00	63
		932	00	04	86
		933	00	00	20
		943	00	04	23
		944	00	04	34
		945	00	06	95
		946	00	02	03
		949	00	06	60
		950	00	01	35
		963	00	00	91
		964	00	04	45
		965	00	00	20
		966	00	07	61
		971	00	00	20
		972	00	05	29
		973	00	00	81
		976	00	01	52
		978	00	00	20
		980	00	07	26
		981	00	02	17
		1000	00	03	02
		1001	00	06	00

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1005	00	03	14
		1006	00	04	70
		1008	00	00	79
		1038	00	05	42
		1039	00	05	32
		1040	00	00	20
		1041	00	00	28
		1043	00	02	72
		1042	00	03	75
		1046	00	04	12
		1056	00	00	20
		1219	00	01	79
		1224	00	05	70
		1225	00	02	72
		1226	00	00	20
		1238	00	00	94
		1239	00	02	57
		1240	00	00	82
		1241	00	03	24
		1242	00	00	39
		1243	00	05	57
		1246	00	02	32
		1247	00	03	30
		1248	00	00	71
		1249	00	01	31
		472/4038	00	03	56
		483/4039	00	10	27
		94/4189	00	00	52
		269/4201	00	05	57
		279/4203	00	03	74
		280/4204	00	01	24
		179/4206	00	04	04
		286/4209	00	01	09
		278/4210	00	00	34
		170/4215	00	01	93
		182/4218	00	02	97
		182/4219	00	06	25
		268/4221	00	05	66
		306/4240	00	00	80
		333/4247	00	00	56
		472/4265	00	04	03
		887/4321	00	02	25
		887/4322	00	03	15
		888/4323	00	01	54
		888/4324	00	00	34
		700/4339	00	00	42
		701/4341	00	03	45
		886/4359	00	03	29
		886/4360	00	03	90
		918/4366	00	02	34
		928/4369	00	04	50
		932/4370	00	00	20

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		932/4371	00	03	48
		943/4372	00	00	95
		951/4375	00	00	51
		973/4376	00	00	20
		976/4377	00	01	59
		1005/4390	00	30	21
		1005/4391	00	00	38
		1046/4399	00	00	85
		971/4405	00	02	43
		1246/4422	00	00	20
		1246/4423	00	01	98
		1246/4424	00	01	52

Police Station: Khajuri

Debichak	125	137	00	02	89
		154	00	07	81
		155	00	26	40
		157	00	00	20
		158	00	03	71
		159	00	47	77
		171	00	03	28
		172	00	01	22
		173	00	01	38
		192	00	00	74
		193	00	07	66
		194	00	00	47
		195	00	00	86
		197	00	06	29
		198	00	05	74
		201	00	02	92
		202	00	03	22
		220	00	06	65
		222	00	09	57
		223	00	05	08
		225	00	03	09
		226	00	03	62
		227	00	04	11
		228	00	04	52
		251	00	03	98
		268	00	02	78
		269	00	12	26
		271	00	04	26
		274	00	04	73
		275	00	05	80
		278	00	11	25
		279	00	01	42
		296	00	05	96
		297	00	07	87
		326	00	01	39
		334	00	00	20
		337	00	05	35
		338	00	07	54

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		339	00	16	96
		340	00	03	49
		341	00	04	78
		342	00	00	20
		350	00	00	20
		351	00	01	75
		352	00	07	48
		353	00	01	38
		275/884	00	04	01
		298/865	00	09	77
		270/896	00	02	71
		293/941	00	08	32
Kharan	127	78	00	02	47
		79	00	08	00
		80	00	10	60
		84	00	05	32
		85	00	02	72
		94	00	15	36
		101	00	07	84
		102	00	04	15
		105	00	01	41
		106	00	01	14
		107	00	04	20
		110	00	01	41
		111	00	04	41
		113	00	00	71
		114	00	02	32
		115	00	04	31
		116	00	01	17
		120	00	01	37
		121	00	09	53
		122	00	00	40
		124	00	03	04
		126	00	24	55
		158	00	01	86
		200	00	01	21
		451	00	00	84
		463	00	00	45
		464	00	00	30
		501	00	05	94
		502	00	03	96
		503	00	03	09
		504	00	25	12
		545	00	00	41
		546	00	00	20
		547	00	00	20
		552	00	03	04
		672	00	00	46
		673	00	00	55
		674	00	03	82
		675	00	05	89

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		676	00	00	92
		680	00	06	82
		681	00	05	52
		682	00	04	29
		683	00	01	13
		695	00	00	23
		696	00	06	51
		697	00	06	24
		698	00	02	79
		764	00	00	20
		765	00	00	20
		766	00	03	17
		767	00	06	21
		769	00	02	78
		770	00	05	05
		853	00	01	00
		857	00	00	37
		858	00	06	67
		859	00	12	06
		94/1045	00	06	20
		501/1040	00	06	27
		551/1087	00	00	76
		696/1114	00	08	78
		696/1115	00	00	51

Mouhati

126

1	00	01	28
7	00	06	90
8	00	01	26
9	00	02	79
10	00	16	34
11	00	00	37
15	00	06	68
16	00	03	33
17	00	04	24
18	00	16	01
20	00	00	29
54	00	01	65
63	00	05	46
64	00	00	20
55/3761	00	08	49
55/3762	00	00	74

Police Station: Bhagabanpur

Tethi Bari

153

433	00	01	50
437	00	00	20
438	00	01	95
439	00	01	51
448	00	04	47
449	00	02	53
451	00	00	46
454	00	13	84
503	00	00	56

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		504	00	00	51
		505	00	05	81
		506	00	04	37
		507	00	05	55
		511	00	10	69
		514	00	04	87
		517	00	04	48
		518	00	04	18
		519	00	00	36
		521	00	00	82
		522	00	02	58
		523	00	04	19
		524	00	01	62
		535	00	08	74
		537	00	03	66
		538	00	00	49
		539	00	06	01
		556	00	01	64
		557	00	07	80
		558	00	01	01
		559	00	06	03
		574	00	03	88
		575	00	02	53
		576	00	03	61
		597	00	02	86
		598	00	01	61
		599	00	01	69
		600	00	05	32
		601	00	06	71
		623	00	12	35
		625	00	00	66
		626	00	10	56
		627	00	00	20
		632	00	00	20
		648	00	00	30
		650	00	00	20
		651	00	09	23
		652	00	03	21
		657	00	00	47
		658	00	02	32
		659	00	04	93
		660	00	07	55
		661	00	05	95
		662	00	09	34
		721	00	01	55
		771	00	06	06
		772	00	00	20
		799	00	07	52
		800	00	03	88
		801	00	02	40
		806	00	06	17
		807	00	05	71

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		879	00	00	81
		880	00	00	20
		1546	00	00	71
		1547	00	01	37
		557/1614	00	00	82
		499/1610	00	00	20
		601/1612	00	05	46
		623/1623	00	03	68
		539/1615	00	02	53
		576/1617	00	02	42
		628/1622	00	00	20
		558/1700	00	04	03
Narayandari	152	4	00	01	72
		585	00	00	23
		586	00	17	03
		587	00	00	20
		591	00	00	31
		592	00	00	93
		604	00	00	25
		605	00	08	29
		606	00	04	23
		607	00	07	87
		610	00	03	70
		611	00	01	00
		612	00	01	21
		616	00	01	41
		617	00	10	76
		619	00	00	20
		725	00	00	20
		726	00	13	53
		727	00	02	64
		728	00	02	03
		731	00	07	71
		732	00	00	87
		733	00	02	86
		734	00	00	77
		735	00	01	00
		736	00	02	00
		778	00	00	89
		805	00	00	77
		820	00	01	43
		928	00	00	20
		929	00	00	29
		930	00	03	84
		933	00	00	87
		934	00	03	61
		935	00	00	20
		936	00	03	30
		941	00	00	24
		942	00	05	70
		943	00	03	53

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		949	00	03	51
		950	00	07	50
		951	00	05	67
		952	00	07	62
		953	00	00	97
		955	00	01	33
		981	00	04	86
		982	00	06	36
		983	00	01	73
		1567	00	00	76
		1568	00	01	05
		1569	00	01	43
		1570	00	07	03
		1573	00	00	62
		1602	00	01	73
		1603	00	02	08
		1604	00	03	39
		1605	00	00	76
		1607	00	00	61
		1608	00	01	57
		1609	00	09	57
		1614	00	00	58
		1617	00	02	00
		1651	00	00	42
		1652	00	00	64
		1662	00	04	07
		1663	00	01	70
		1664	00	02	36
		1665	00	02	31
		1666	00	02	58
		1667	00	02	52
		1668	00	03	42
		1669	00	05	22
		1670	00	04	52
		1671	00	00	20
		1676	00	00	20
		1730	00	00	36
		1731	00	12	30
		1732	00	13	22
		1733	00	00	20
		1792	00	03	11
		1794	00	00	86
		1795	00	09	95
		1812	00	05	43
		1822	00	04	88
		1823	00	04	22
		1824	00	05	68
		1825	00	00	79
		1826	00	06	66
		1880	00	04	94
		1881	00	01	66

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1882	00	08	41
		1883	00	00	58
		1890	00	09	19
		1893	00	00	36
		1894	00	05	48
		1898	00	08	47
		1899	00	01	18
		4507	00	01	17
		727/4436	00	03	38
		936/4465	00	00	78
		1607/4476	00	01	43
		1731/4484	00	05	44
		1732/4485	00	00	20

[No. R-25011/9/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 28 अप्रैल, 2004

का. आ. 1085.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1845 तारीख 3 जुलाई, 2003, जो भारत के राजपत्र तारीख 5 जुलाई, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में पानेवाडी (मनमाड) से मध्यप्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मनमाड पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 31 जुलाई, 2003 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी वित्तलंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील :- अमलनेर

जिला :- जलगांव

राज्य :- महाराष्ट्र

ग्राम का नाम	गट/ सर्वे नंबर	क्षेत्र		
		हेक्टर	आर	चौरस मीटर
1. चोपडाई	34/1 अ	0	18	00
	41/ब	0	16	74
	58	0	01	80
	74	0	09	72
	42 भाग	0	09	36
	52/1 भाग	0	03	37
	23/2 भाग	0	12	43
2. अंघलवाडी	259	0	03	16
3. जवखेडे	258	0	03	42
	257	0	01	26
	256	0	01	50
	255	0	01	62
	254	0	01	62
	252	0	01	62
	253	0	03	24
	251	0	01	26
	250	0	01	98
	446 भाग	0	15	30
	270/1-अ	0	05	04
	272/ ब	0	11	34
	437	0	13	78
	52/1	0	12	24
4. वावडे	415/3 भाग	0	08	28
	433 भाग	0	25	38
	47/3	0	02	24
	47/4	0	01	76
	47/5	0	00	87
	47/6	0	00	38
	47/3	0	02	24
	47/4	0	01	76
5. लोणसीम	47/5	0	00	87
	47/6	0	00	38
	47/3	0	02	24
	47/4	0	01	76

ग्राम का नाम	गट/ सर्वे नंबर	क्षेत्र		
		हेक्टर	आर	चौरस मीटर
6. लोणचारम	72/ भाग	0	05	40
	160/ भाग	0	45	90
7. एकलहरे	308/1अ	0	04	23
	308/1ब	0	04	23
8. एकतास	110/ भाग	0	25	92
9. भिलाली	141/3	0	12	24

[फ़. सं. आर-31013/15/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 28th April, 2004

S. O. 1085.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.1845 dated the 3rd July 2003 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 5th July, 2003, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Mumbai-Manmad Pipeline Extension Project from Panewadi (Manmad) in the State of Maharashtra to Manglya (Indore) in the State of Madhya Pradesh by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 31st July, 2003;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline.;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on this date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE**Tahsil :- Amalner****District :- Jalgaon****State :- Maharashtra**

Name of Village	Gat / Survey Numbers	Area		
		Hectors	Ares	Sq. Mts.
1. Chopdal	34/1 A	0	18	00
	41/B	0	16	74
	58	0	01	80
	74	0	09	72
	42 Pt.	0	09	36
	52/1 Pt.	0	03	37
	23/2 Pt.	0	12	43
2. Anchalwadi	259	0	03	16
3. Javkhede	258	0	03	42
	257	0	01	26
	256	0	01	50
	255	0	01	62
	254	0	01	62
	252	0	01	62
	253	0	03	24
	251	0	01	26
	250	0	01	98
	446 Pt.	0	15	30
	270/1-A	0	05	04
	272/B	0	11	34
	437	0	13	78
	52/1	0	12	24
4. Wavade	415/3 Pt.	0	08	28
	433 Pt.	0	25	38
	47/3	0	02	24
	47/4	0	01	76
	47/5	0	00	87
5. Lonsim	47/6	0	00	38
	72 Pt.	0	05	40
6. Loncharam	160/Pt.	0	45	90
7. Eklahare	308/1-A	0	04	23
	308/1-B	0	04	23
	110/Pt.	0	25	92
8. Ektas	141/3	0	12	24
9. Bhilali				

[No. R-31015/15/2001-O.R.-II]
HARISH KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 2 अप्रैल, 2004

का. आ.1086.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 180/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2004 को प्राप्त हुआ था।

[सं. एल-34011/6/2000-आई.आर. (एम)]

सी. गंगाधरन, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 2nd April, 2004

S.O. 1086.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 180/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 2-4-2004.

[No. L-34011/6/2000-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR COURT AT
HYDERABAD**

PRESENT: Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 15th day of December, 2003

INDUSTRIAL DISPUTE No: 180/2002

(Old I.T.L.D.No. 1/2001 transferred from Industrial
Tribunal-cum-Labour Court,
Visakhapatnam)

BETWEEN:

The General Secretary,
Visakhapatnam Port Empl. Union,
26-15-204, Dharmasakti Bhavan,
Visakhapatnam (A.P.).....Petitioner

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam-530 035.....Respondent

APPEARANCES:

For the Petitioner : Sri D. K. Sarma, General Secretary,
VPT Union, -Representative.

For the Respondent : M/s K. Srinivasa Murthy,
B. Umadevi, C. Vijaya Shekar
Reddy & G. Praveen Kumar,
Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-34011/6/2000-IR(M) dated the 10-11-2000 referred the following dispute under Section 10(I)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Visakhapatnam Port Trust and their workmen which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 bearing No.I.T.I.D.1/2001. The reference is,

SCHEDULE

"Whether the allegation by the Visakhapatnam Port Employees' Union that the workmen in Traffic & Mechanical Engineering Department of Port Railways are being paid less incentive w.e.f. 1-1-80 due to wrong calculations by the Management of M/s. Visakhapatnam Port Trust is legal and/or justified? If not, to what relief the union is entitled?"

The reference is renumbered in this Tribunal as I.D. No. 180/2002 and notices were issued to the parties.

2. After the receipt of notice, the Petitioner Union through their General Secretary filed the claim statement with the following averments. That the Visakhapatnam Employees' Union represented the majority of port employees in Visakhapatnam Port Trust including the Port Traffic Railway section of the Traffic Department and also the employees working in B.G.Locos section and TXR section of Mechanical Department. The Management of the Visakhapatnam Port Trust introduced an incentive scheme to the employees concerned with the Traffic Railway operations who belong to the traffic Department and mechanical Department w.e.f. 1-1-80. The purpose of this incentive scheme is to improve the working of Port Railway. Originally the scheme was introduced from 1-1-80 with the approval of the Visakhapatnam Port Trust Board vide agenda item No.19 of the board meeting held on 27-12-79 for the categories of employees belonging to the Traffic Department and Mechanical Engineering Department. The rates of incentives were enhanced by 18% to all the employees covered under the incentive scheme from 1-4-81. During the year 1984 under clause 15 of wage settlement at national level the incentive was revised by 14% w.e.f. 1-1-84.

3. That by wage settlement dated 6-12-94 all the incentive schemes/payment by results scheme in Visakhapatnam Port Trust were completely revised and the same schemes were extended to some additional categories connected with the Port Railway operations and other operations w.e.f. 1-1-97 vide Board agenda item No.S-1 of the special board meeting No. 1 of 1997-98 of the Board of Trustees held on 15-9-97. The revised incentive scheme was implemented from 1-1-97 to the employees connected with the Port Railways operations both in the Traffic Department and Mechanical Department. In this connection it is submitted that the scheme was revised due to the increasing general railway traffic of the Port when compared with the position in 1980 the details of which are furnished hereunder :

	Position in 1980	Position in 1999
1. Rail Borne Traffic	11.81 millions tones	24 million tones
2. Track length	140 kms	225 kms
3. Number of curves	45	86
4. Number of locos	7 locos (700 hp)	2 (700 hp) 8 (1430 hp)
5. Number of wagons handled 4 wheelers each loco	50 wagons per each loco	70 wagons per each loco
6. Number of wagons handled 8 wheelers each loco	20 wagons per each loco	40 wagons per each loco
7. No. of wagon operations per month	25,000 (average)	above 1 lakh
8. The No. of emp- loyees required	820 (sanctioned strength)	actual on rolls 745
9. 80% of the loco operations are in pushing movement which we find no where in the World.		

4. The nature of dispute is that when the incentive scheme to the traffic railway staff and mechanical engineering staff connected with the general Port railway operations was introduced from 1-1-80 and implemented from 1-1-80 there was full complement of staff. As such they did not get any doubt about the method of calculation of incentive and payment of incentive as per the scheme to the employees. Whereas during the year 1997 there was some shortage of staff in the traffic Railway section due to non-filling up of the vacant posts. While the work load mainly traffic railway operations has increased abnormally and when there is shortage of staff some of the employees checked their incentive payments and got the genuine doubt that they were not being correctly paid incentive as per the scheme approved by the Port Trust Board and hence they represented to the Port authorities for correct calculation of the incentives as per scheme approved by the Port Trust Board. Since their request was not considered and they were being paid less incentives all the employees resorted to work to rule agitation in the month of September, 1999. Some workers were suspended for observing the work to rule programme. At that stage a meeting was conducted with the concerned trade unions representing the employees namely Port railway staff Traffic and Mechanical Engineering staff by the Port authorities. On 22-10-99 the Chairman of the Visakhapatnam Port Trust gave a letter to all the Trade unions that the present practice of the number of loco motives engaged for traffic was being followed for the last 19 years for the purpose of calculation of piece rate/incentive in the general railway system and the Chairman expressed that the demand of the trade unions to take into account the actual number of locos utilized in each shift instead of the practice of the number of loco motives engaged can be agreed to be provided, an incentive would be paid only to the staff who actually contributed for productivity in the concerned shift vide Chairman's letter No.F1/Incentives/Rly staff/99, dated 22-10-99.

5. Since the decision of the Chairman is wrong, the Petitioner union raised an industrial dispute before the Assistant Labour Commissioner (C) on 30-10-99. During the meetings held before Assistant Labour Commissioner (C) the Management stated that the method of calculation of incentive which was in existence from 1-1-80 was being followed. Then the Assistant Labour Commissioner (C) asked the Management to produce the actual records of calculation of incentive to the said employees from 1-1-80. But the Management produced only few records of calculation of incentives pertaining to one month of 1994 and imperfect records for one month each in the year 1995, 1997 and 1998. The Management further stated that the records from 1-1-80 were not available. On a perusal of the calculation of statement of incentive scheme for the month of October, 1994 submitted by the Management to the Labour Commissioner. It was evident that the Management was making erroneous calculation even according to their own statement. The correct calculation and erroneous calculation is mentioned below :

As per the incentive scheme to the Port Railway staff and connected Mechanical Engineering staff, approved by the Port Trust Board,

"The total number of wagon operations have to be divided by the total number of locos engaged in that month of arrive at the price-rate operations."

PREVIOUS SCHEME

(i.e.) prior to 31-12-96

NORM

30 operations per day

Month : October 94 (31 days)

Total loco hours : $10 \times 3 \times 31 \times 8$

Non working hours of locos
due to failures (etc.)

Working hours in that month

per day locos : $6450 \times 10 \times 3$

7440

per shift : $26/3 = 8.66$

Rounded off to nearest figure :

Again counted per month : $9 \times 3 \times 31 = 837$ locos

Thus the operations were divided by 837 locos

$91,552 \frac{1}{2} / 837 = 109.34$ operations per day

Incentive paid $109.34 - 30 = 79.34$ operations per day

Correct calculation :

REVISED SCHEME

from 1-1-97

NORM

60 operations per day

= 7440 hrs.

= 990 hrs.

= 6450 hrs.

= 26 locos

9 locos

837 locos

Month October, 94

Total loco hours in a month: $10 \times 3 \times 31 \times 8 = 7440$ hrs.

Non working hours (failures etc.) = 990 hrs.

Total working hours in that month = 6450 hrs.

Total number of locos in that month =

$6450 \times 10 \times 3 \times 31 = 806.25$ locos

7440

(Note : There is no necessity of dividing the above locos to arrive at per day, per shift and rounding off the figure and again multiplying with 3×31)

If the total operations in that month are divided by correct figure (i.e.) $91,552\frac{1}{2}/806.25$,

The correct operations would be : 113-55

Excluding then norm of 30 operations, the correct incentive

Operations would be : = 83.55 operations per day
113.55(—) 30

Thus, the correct incentive = 83.55×0.35 = Rs.Ps. 29.24
per day

Add Rs. 14/- = 4.09
33.33

Per month of October for = 27×33.33 = Rs.Ps. 899.91
27 days

But the workman was paid = 27×31.65 = 854.55

Loss per one month = 45.36

At a Glance

Wrong calculation : Right calculation :

Number of loco hours in a month :

$10 \times 3 \times 31 \times 8$ = 7440 $10 \times 3 \times 31 \times 8$ = 7440 hrs.

Non-working hours = 990 = 990 hrs.

Working hours = $\frac{6450}{7440}$ = 6450

Locos per day : $\frac{6450 \times 30}{7440} = 26$

Locos per month :

$\frac{6450 \times 10 \times 3 \times 31}{7440} = 806.25$ locos

Locos per shift : $26/3$ = 8.66

Rounding off : 9

Again converted to monthly locos : $9 \times 3 \times 31 = 837$

(The locos not engaged due to shortage of staff or absenteeism were not taken into consideration in the above calculation)

Due to wrong calculation the employees were paid incentive amount for 79.34 operations instead of 83.55 operations. Thus in the month of October, 94, the employees were deprived of incentive of 4.21 operations per day which comes to Rs. 45.36 ps. per month. Even assuming that the contention of the Management that only the number of locos engaged would be taken into account instead of the actual number of locos utilized is accepted, the calculation of incentive is even wrong as per their own concept. The employees were deprived of their legitimate incentive thus right from 1-1-80. Since the Management

was repeatedly telling that they are following the same procedure since 1-1-80 it is evident that the Management is following wrong calculation right from 1-1-80.

7. The union therefore, confined the dispute only to the extent of correct calculation basing on the statement of the management that only the locos engaged were being taken but not the locos utilized since 1-1-80. The Petitioner, therefore prays the Court to call for records from 1-1-80 and arrange to issue appropriate direction to the Management to pay the incentive due to the members of our union right from 1-1-80 by regularizing the mistake in calculation.

8. A counter was filed stating that the incentive scheme for the General Port Railway has been in operation from 1-1-80 and since then the same formula is being followed for calculation of piece rate viz., taking into account the number of locos engaged by the traffic railway section as per the scheme neither the unions nor employees have ever disputed or raised any objection about the calculation of locos for the purpose of piece rate. The allegation that the workers had no occasion to doubt about the method of calculation of incentive as there was full complement of staff of 1-1-80 and that during the year 1997 there was some shortage of staff in traffic Railway Section, while the work load of traffic railway operation has increased abnormally and when there was shortage of a staff some of the employees checked their incentive payments and got a genuine doubt that they are not being paid correctly is untrue and untenable. The incentive paid according to Rules 3 to 8 of the Incentive Scheme which contain a definite formula by which the incentive payment shall be calculated and right from the introduction of the scheme the same formula is being followed till today. According to the formula the incentive payment be calculated on the performance for calendar month and shall be paid along with the wages in the succeeding month. The total number of wagon operations shall be arrived at as set out in Sec. 4 and this figure divided by the total number of loco units engaged during the month will give the total number of wagon operations per loco shift. Excess of this performance to the norm of 60 operations per loco shift shall be reckoned as number of operations eligible for incentive earning for the period. The incentive earning shall be worked out for each employee for the number of days actually engaged during the month.

9. As per rule-8 in interpreting the scheme the decision of the Chairman shall be final and binding. In view of the specific provision it is not open to the workman to contend that either the decision of the Chairman is wrong or to raise an industrial dispute of the said decision. That this claim by the workman is absolutely untenable and the petition is not maintainable. The Management submitted the available record before the Assistant Labour Commissioner (C). The calculation sheets by the workers and their objection are absolutely wrong, misconceived and not according to the formula prescribed in rule-3 of the scheme. The Management herewith submitting correct calculation :

"The B. G. Loco shed has to supply 10 locos per shift of 8 hours for each shift of three shifts per day of 24 hours.

Therefore the total locos per day is 30. The total number of locos per month depending on the number of days (31 or 30 etc., as the case may be) is 30×31 (where the number of days are 31 in a month), it will be $30 \times 31 = 930$. Thus there will be 930 shifts in a month. Each shift is 8 hours and therefore $930 \text{ shifts} \times 8$ will be 7,440 hrs. per month. Out of the said total number of hours, the following are the permissible deductions :

1. **Shift changing :**

Half an hour per shift per loco.

Hence for 10 locos 5 hrs. per shift

For 3 shifts 5×3 15 hrs.

Per month of 31 days 31×15 465 Hrs.

2. **Lunch $\frac{1}{2}$ hrs. 2 shifts 1 Hr. for loco**

Dinner $\frac{1}{2}$ hrs.

For 10 Locos 10 Hrs.

Then per month of 31 days :
 31×10 310 Hrs.

3. **Oiling and Loco failure Hrs. $7.55 + 2.30 = 9.85$**

4. **Failure to supply locos $32 \times 8 = 256$**

5. **Total number of hours lost: 1041.25**

6. **Net working hours $7440 - 1041.25 = 6398.35$**

6398.35 hours will have to be converted into effective locos per day : $6398 \times 30 = 2580$ per day of 3 shifts.

Therefore per each shift number of locos per day per shift will be $25.80/3 = 8.6$

If the fraction is used then 5 then it will be round at 1

If the fraction is 5 or less then it will be ignored.

Hence 8.6 will be rounded off to 9".

10. The contention of the workers is that the fraction whether it is more than 5 or 5 or less has to be ignored and it should be taken as 8 locos per day while the contention of the Management is that where the fraction more than 5 then the figure has to be rounded off by adding 1 which has been followed from the beginning and it cannot be altered now. It is submitted that prior to 1-1-97 each locos operation per day was increased to 60 per shift and the rate for excess operation were also increased from 39 paise as follows :

Above 60 operations per day in a month :

61—80 — 0.90 paise

81—100 — 1.00 Rs.

101—120 — 1.20 Rs.

121 and above — 1.40 Rs.

The incentives are calculated on the above formula depending upon the number of days in a month and number of locos made in a month, number of locos not supplied by loco shed, number of hours lost for dinner, lunch or etc., and the incentives are calculated on that basis. It is further

submitted that the above formula was also approved by the chairman of Port Trust which is final and binding and calculating an incentive on the formula now suggested by the workers is not only opposed to very spirit and purpose of this scheme itself but it will be contrary to the formula laid down as per Rule-3 of the Scheme. Hence, the petition may be dismissed.

11. The Petitioner did not examine any witness and marked Ex.W1 revised scheme for incentive payments, minutes of the meeting dated 11-12-79 as Ex.W2 and meeting held on 27-12-79 as Ex.W3.

12. The management examined Sri D.Sudhakar, S/o Appala Swammy as MW1. He deposed that he has been working as Traffic Inspector Visakhapatnam Port Trust since 8 years. Since then, scheme was introduced w.e.f. 1-1-80 for the benefit of Railway Operating and Commercial Employees, under the management of Traffic Manager. All those employees are port employees. They belong to Traffic, Mechanic, Locos. For the purpose of importing and exporting Cargo from the port Railway Wagons will be sent by the Railways under the agreement with the Railways. Originally in 1980 when the scheme was introduced 5 to 6 trains used to arrive at the port railway and about 5 to 6 used to dispatch. With or without wagons. Again the same trains were employed. Loco means Railway Engine. At the inspection 7 locos are there in Port. These engines belong to Port Trust. Each loco has to perform operations not less than 30 operations per shift. If it exceeds 30 operations then the incentive scheme will be given. There are three shifts per day. Each shift is for 8 hours. There are deductions in each shift for shift changing 30 minutes for each loco. Lunch and dinner for half an hour. Number of hours loco failure depending upon the time of failure. Time taken for oiling to engines, stoppage of the loco engine for want of driver. For 3 shifts 21 locos have to work. Each loco has to work for 8 hours. Therefore 21 locos have to work for 21 hours i.e., per day and per month that 248 will be multiplied by number of days in a month. From the total number of hours so arrived in a month the total number of hours permissible towards deduction will be deducted. The balance hours will be again converted into locos per shift per day. The result will be the total number of locos in a month. That will be divided by total operations per month to arrive at the number of operations per shift. Then incentive will be given for the excess operations if any. In working out the above formula if there is any fraction of 0.5 or above it will be treated as 1. If the fraction is below 0.5 it will be ignored. Ex. M1 to M7 are the calculation sheets. In case of any dispute it will be referred to Chairman and his decision will be final. For 20 years the same method is going on. At present there are 7 Locos per shift. Each employee is getting about Rs. 3,000 and alone in addition to allowances each employee gets monthly salary of Rs. 10,000/- on average.

13. In the cross examination he deposed that the non-working hours are not shown in the calculation sheets, Ex.M1 to M7. It is true in the year 1999, September all the workers of Railway section and loco staff of Mechanical Department went on work to rule agitation on the ground that their incentive was not correctly calculated. The

Petitioner union raised dispute before Assistant Labour Commissioner(C), who asked the Management to produce the records of calculation from 1-1-80. They could not submit the records from 1.1.80 but submitted from 1-1-97. Ex.W2 is the copy of reply filed by Manager operation before the Assistant Labour Commissioner(C), Visakhapatnam. They have shown the sheet of non-working hours while giving records to the Assistant Labour Commissioner(C). In Ex.M1 to M7 the calculation is after deducting the non-working hours.

14. In the further cross-examination he deposed that the working sheets of the years 1991, 1992 and 1993 have not been enclosed, showing the non-working hours. Today he filed working sheets relating to September, 1998, February, 99, September, 2000 and July, 2001 and they are attached to Ex. M4 to M7. As they are the supporting documents to Ex. M4 to M7. In the working sheets there is 5.98, it was rounded off to 6 locos. Similarly in other working sheets locos were rounded off to nearest figure. In the revised incentive scheme for payment there is no clause directing them to round off to a nearest figure. When the incentive scheme was originally introduced at the time of Ex. W3, there is no clause directing them to round off to the nearest figure. In the result of the discussions of the union leaders and Port officers and the same is approved by the board of trustees. If they get any fraction of 0.5 or above they are rounding it off to the nearest next figure, and if it is less than 0.5 they are ignored. Only on the basis of oral instructions they are deducting the number of non working hours and ignoring that fraction. In the reexamination he deposed that the fractions has arisen in the calculation because of the deduction of number of non working hours and ignoring and rounding off the fractions in the calculation is because of unit being one loco.

15. That the General Secretary of the Petitioner union was absent. Hence, the arguments of the Learned Counsel for the Respondent were heard.

16. It may be seen that in the cross-examination MW1 has admitted when the incentives scheme was originally introduced at the time of Wage Board, there is no clause directing them to round off to nearest figure. They are doing it on oral instructions. In Ex. W3 at page 3 of the annexure the working sheet calculation is given. It is the result of discussions with the union leaders and the Port Officials and the same is approved by Trustees. That they are rounding it off only on the basis of oral instructions.

17. It may be seen that the Petitioner had filed a calculation dated 13-9-2001 to show how there was loss of 64.22 ps., if it is rounded off. He also admitted that in the revised incentive scheme for payment there is no clause directing so to make rounded it off to the nearest figure. Similarly, Ex. W3 is the original scheme which was also approved by the Port Trust Board. There is no clause directing to round off to the nearest figure. So it may be seen that even if it is at oral instructions so far as rounding off is concerned, it is not at all favourable to the employees. So far as deducting non-working hours is concerned even if it is not mentioned it is justifiable because one cannot take into account for incentives the non-working hours,

time spent for lunch or dinner or breakfast as the case may be, but rounding off is against the spirit of the original scheme. But now, when all the records have been spoiled it will not be desirable to order it otherwise. The reference is made on 20-11-2000. Hence, the reference is ordered as follows. "The allegation of the union that they are being paid less incentive w.e.f. 1-1-80 due to wrong calculation is correct. The incentives should be paid by not ignoring the less than 0.5 and by not treating as one, greater than 0.5 and above. Accordingly, I hold that the Visakhapatnam Employees' Union workmen and Traffic Mechanical, Engineering Department of Port Railways are entitled for incentives calculating the exact number of locos without rounding off from 1-1-2001 only and they are not entitled from 1-1-80 till 31-12-2000 (As the reference is made on 10-11-2000, as the records are not available from 1-1-80, hence they are entitled from 1-1-2001). The arrears from 1-1-2001 shall be paid within 30 days from the publication of this Award.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 15th day of December, 2003.

E. ISMAIL Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

NIL

Witnesses
examined for the
Respondent:
MW1 : Sri D.
Sudhakar

Documents marked for the Petitioner :

Ex. W1 : Copy of revised scheme, 1997
Ex. W2 : Copy of reply filed by the Manager Operation before ALC(C)/Visakhapatnam.
Ex. W3 : Copy in incentive scheme with Minutes of the meetings with the unions along with calculation sheet.

Documents marked for the Respondent

Ex.M1 : Office Copy of calculation sheet dt. 10-12-91
Ex.M2 : Office Copy of calculation sheet dt. 10-12-92
Ex.M3 : Office Copy of calculation sheet dt. 10-3-93
Ex.M4 : Copy of calculation sheet dt. 9-10-98
Ex.M5 : Office Copy of calculation sheet dt. 10-3-99
Ex.M6 : Office Copy of calculation sheet dt. 7-10-2000
Ex.M7 : Office Copy of calculation sheet dt. 7-8-2001

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1087.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इश्यून्स कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/त्रिम न्यायालय चंडीगढ़ के पंचाट (संदर्भ संख्या 230/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2004 को प्राप्त हुआ था।

[सं. एल-17011/4/99-आई.आर. (बी. II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 230/99) of the Central Government Industrial-Tribunal-cum-Labour Court, Chandigarh as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workman, which was received by the Central Government on 2-4-2004.

[No. L-17011/4/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT CHANDIGARH**

Presiding Officer

SHRI S.M. GOEL : Case No. ID 230 of 1999

Prem Kalia C/o B.R. Prabhakar, A-R 63, C. Kailash Nagar,
Model Town, Ambala (Haryana), Applicant

Versus

National Insurance Co. Ltd. The Divisional Manager, NIC Ltd.

Divisional Office, Ambala (Haryana)

APPEARANCES:

For the Workman : Workman in Person

For the Management: Sunil Aggarwal

AWARD

(PASSED ON 10-3-2004)

Central Govt. vide notification No. L-17011/4/99/IR (B-II) dated 25th of October, 1999 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Regional Manager, National Insurance Co. Ltd. Chandigarh in imposing the penalty vide order dated 21-4-1998 upon Shri Prem Kalia, Assistant (C) and denying payment of overtime allowance to him for working on 28th and 29th October, 1995 is justified? If not, what relief is the workman concerned entitled to.”

In the claim statement it is pleaded by the workman that he was working in the co. from 25-9-1985 and he was placed under suspension without any basis and was also issued false, frivolous charge sheet. Thereafter he was reinstated without any condition of enquiry but later on Shri J.K. Virmani was appointed enquiry officer and the enquiry officer conducted the enquiry in biased manner as much as principles of natural justice was violated and the workman was not allowed full opportunity to defend himself during the enquiry. The documents relied upon by the management were never supplied to the workman and one sided findings were given by the enquiry officer. The applicant was not supplied the copy of enquiry findings and without giving any show cause notice the disciplinary authority imposed the penalty of withholding of two increments permanently which is against the set principles

of law which was set-aside in appeal by the appellate authority. But the appellate authority ordered for serving fresh show cause notice and the disciplinary authority again imposed the penalty of stoppage of two increments which again was reduced to one increment by the appellate authority. The applicant has thus prayed that the order of the appellate authority is illegal and pleaded that the punishment imposed upon the workman is illegal and the same should be set-aside and he may be allowed his full pay and overtime allowance which he has claimed in this reference.

2. The management in the written statement has pleaded that the enquiry was conducted by the enquiry officer in fair and proper manner in accordance with the principles of natural justice and the punishment of withholding of one increment was imposed rightly upon the workman and there is no merit in the reference and the same deserves rejection. It is further pleaded that the workman was suspended on the serious misconduct of abusing the senior officers and manhandling and physically assaulting them and thorough enquiry into the charges was conducted and the workman participated in the enquiry therefore, he deserves no concession and the management pleaded that the reference of the workman may be rejected. Other contentions of the workman were also denied by the management in the written statement.

3. Replication was also filed by the workman reiterating the claim made in the claim statement.

4. The management has filed the entire enquiry proceedings on the file. The parties also requested that since the enquiry conducted against the workman was challenged by the workman therefore, it was prayed that arguments on fairness of the enquiry be heard.

5. I have heard the learned representatives of both the parties and have also gone through the entire enquiry proceedings and also perused the record of the case. In all fairness to the workman, he has not questioned the enquiry proceedings. He has prayed that the punishment imposed upon the workman is excessive and there was false charges against the workman and he has suffered a lot during all these years and this Tribunal is competent to interfere in the punishment aspect under Section 11A of the I.D. Act 1947. On the other hand the learned representative of the management has argued that the workman has committed grave misconduct with the senior officers of the management and he deserve no concession and the punishment is not excessive to the gravity of the charges. I have gone through the charges in which the enquiry was conducted. I am of the considered opinion that this is a fit case to interfere under Section 11A of the I.D. Act 1947. The charges levelled against the workman were not so serious warranting recurring loss by withholding increment permanently. Therefore, exercising the powers under Section 11A of the I.D. Act, 1947, the punishment of stoppage of one increment is substituted with that of releasing the same from the date of award and the workman will not be entitled for any arrears for the intervening period. It is further held that the enquiry conducted is in accordance with the principle of natural justice and the workman was given full opportunity to defend himself

during the enquiry proceedings. Regarding the payment of over-time allowance, the workman has referred me to the letter dated 22-10-99 written by Senior Divisional Manager stating therein that the payment of overtime allowance will be made only after the workman withdraw the case from the Labour Court. It clearly shows that the workman has worked overtime and he is thus held to be entitled to the overtime for the date demanded by the workman. With these observations the reference is answered accordingly. The management is directed to pay the overtime allowance to the workman within one month from the date of the publication of the Award. Central Govt. be informed.

Chandigarh

S. M. GOEL, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1088.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एण्ड सिन्ध बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 43/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-04-2004 को प्राप्त हुआ था।

[सं. एल-12012/24/92-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/92) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Punjab and Sind Bank and their workman, which was received by the Central Government on 02-04-2004.

[No. L-12012/24/92-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI**

**PRESIDING OFFICER: R. N. RAI,
I.D. No. 43/92**

IN THE MATTER OF:

INDERPAL SINGH

VERSUS

MANAGEMENT OF PUNJAB AND SIND BANK

AWARD

The Ministry of Labour vide its letter No. L-12012/24/92/IR B-II/Central Govt. dt. 29-4-92 has referred the following points for adjudication. The points runs as hereunder:—

“Whether the action of the Management of Punjab and Sind Bank in dismissing the workman Sh. Inderpal Singh w.e.f. 25-5-91 is justified? If not, to what relief the workman is entitled to?”

The claimant has filed the statement of claim. In his statement of claim the workman was initially appointed in Punjab and Sind Bank as an apprentice in the year 1977 and after satisfactory and successful completion of 6 months, apprenticeship period, he was taken as regular Clerk-cum Godown Keeper in the service of the Bank in April 1978. His service conditions were governed by Shastri Award, 1954 as modified on various dates. That the Bank was National Bank. The relationship between the Bank and workman is statutory. The bank was stopped from acting arbitrarily against the workman in any matter and had a constitutional duty to act fairly and in compliance with the Principal of natural justice before taking any proceedings or action which would adversely affect the workman or visit him with any evil consequences.

It is further submitted that he took active interest in the trade union movement of the employees of the bank and because of the resulting displeasure of the certain authorities of the bank against the workman. The Regional Manager of the bank at New Delhi abruptly issued orders for transfer of workman to far-off, small, secluded office i.e. the extension counter, Delhi Cantt. without any rhyme or reason and inspite of the fact the services of the workman were not required at that small office. He made representations to the Regional Manager and also opposed personally to appoint him in the vicinity of his house as he was handicapped due to injury suffered by him. But the Regional Manager did not pay any attention to the workman's request. The Regional Manager levelled certain false and baseless allegations against him of indecent behaviour with the Asst. General Manager. The workman has attached copies dated 30-5-1988, to 2-6-88 and 21-6-88 as annexures W-2, W-3, and W-4. It is further submitted that manifestly one of the charges was of Sunday, which indicates that all the charges have been false and he has falsely implicated as the Regional Manager was offended as he wrote letter against the AGM. The Management arbitrarily deducted his wages from 19-4-88 on the otherwise unfounded charge of his being unauthorisedly absence from office which was also done at the instance of the Regional Office and ultimately when management refused to refund this illegal recovery/deduction, the workman had to file an application before the Central Govt. Labour Court, New Delhi for recovery of these wages. The management refunded such illegal deducted wages of the workman in pursuance to the orders of the Labour Court but with this the management became all the more annoyed and vindictive against the workman. The workman submitted a letter dated 29-6-88 to the Regional Manager, denying all the baseless allegations and requested that he should be

posted in the branch near his residence which is annexure W/7.

It was further submitted that despite all the attempts of the workman, the Regional Manager took no action. Again, he wrote on 13-8-88 that the workman was surplus at their end, the workman was transferred at Kirti Nagar branch towards the end of August 1988.

That it has been further submitted that he joined the Kirti Nagar branch and he was asked to take charge of the cash counter as the officials have refused to take charge of the cash counter which are annexures W/9 and W/10.

That the officers of the bank, inspite of all the cooperation shown by the workman in the smooth running of the branch, got annoyed with the workman, when he reported to the higher authorities that on 26-2-89, he had left the branch before its being closed and inspite of the fact that the gunman had left the branch much earlier, thus leaving the branch unguarded and that in the absence of the Branch Manager and the gunman, the branch had to be closed by the workman and because of his displeasure against the workman due to his report to the higher authorities his irresponsible conduct, he started threatening the workman with teach him a lesson of his life time for reporting against him.

The Branch Manager at Kirti Nagar told the workman that he had received instructions from the Higher authorities to implicate the workman somehow or the other. The workman wrote a letter dated 7-7-89 to the Regional Manager which is annexure W/11 which was forwarded to the Gen. Secy. of the Union demanding enquiry and action against the Manager, Kirti Nagar branch which is annexure W/12.

It has been further submitted that on 27-7-89, the Manager complained against him and said he was going to settle in America but before that he would involve the workman in some or in the other cases. The workman reported this matter to the Area Manager, New Delhi by letter dated 27-7-89, Delhi attested by the member of staff who were witness to the above threatening behaviour of the Branch Manager which is annexure W/13. The Regional Manager Sh. P.S. Kohli was personally annoyed and greatly inimical against the workman because as he told the workman that the workman had instigated his brother. Sh. H. S. Kohli to make a complaint that Sh. P.S. Kohli had raised a bogus benami loan in the name of Sh. P.S. Kohli, the Regional Manager, which can be verified from the records.

That the threats held out to the workman by the Manager, Kirti Nagar Branch at his own behest and at the behest of Regional Manager and other higher authorities came to be translated into action when on 20-8-1989, the Regional Manager Shri Kohli issued a charge sheet to the workman, charging him with alleged disorderly and indecent behaviour on the premises of the Bank, willful insubordination and acts prejudicial to the interest of the Bank on 14-8-89, 26-8-89, 30-8-89 and 31-8-1989 which is annexure W/14.

The workman received the above charge sheet and he denied all the allegation which is annexure W/15. The

Regional Manager abruptly placed the workman under the suspension by a letter dated 2-11-1989 on the ground of the reported misbehaviour of the workman with the Branch Manager and disrupting the working of the branch which is annexure W/16.

The Regional Manager issued another charge sheet dated 19-10-1989 to the workman again charging the workman of disorderly and indecent behaviour with the Branch Manager on 25-8-89 which is annexure W/17. The workman is addressed another letter to the Director Grievances of the Bank at New Delhi bringing to his notice a number of graves financial irregularities of the Bank Manager which is annexure W/19.

It has been further submitted that a third charge sheet dated 6-11-1989 was issues to the workman by the Regional Manager on the charge of violent, disorderly and indecent behaviour with the branch on 30-10-89 which is annexure W/21.

That the domestic enquiry was held and Mr. D.S. Jolly, Sr. Manager, Regional Office, New Delhi was appointed as Enquiry Officer for the purpose which is annexure W/21. Enquiries were conducted regarding charge sheet dt. 20-9-89, 19-10-89 and 6-11-89. The workman attended all the three enquiries. Mr. Fateh Singh Jaspal as management witness in support of the charge and the workman requested to arrange his defence representative and to submit his list of documents and witnesses.

That enquiries into all the three charges sheets were adjourned for 25-1-90 but the workman suffered from hypertension and was admitted to Anand Clinic on 23-1-90. He sent a letter regarding the same on 24-1-90 to Area Manager of the bank regarding his sudden illness and admission in to the hospital which is annexure W/23. The enquiry officer did not accept any medical certificate to grant adjournment any longer unless the certificate is issued by the Chief Medical Officer of Delhi or is countersigned by the Chief Medical Officer confirming its genuineness and that in case of non-attendance of the workman, the enquiries will be held ex-parte.

That the workman received the enquiry officer's Telegram and its post copy dated 15-2-90 on 16-2-90 and on the same date he addressed a letter to the enquiry officer protesting against ex-parte conduct of the enquiries 15-2-90 and informing him that he had reported to the Govt. Hospital on 12-2-90 as per enquiry officer's letter dated 7-2-90 where he was examined by the Medical Superintendent and was recommended rest for a week from 12-2-90 and requesting for postponement of the enquiries at least till he was declared fit by the Medical authorities.

The enquiry officer adjourned the enquiry and fixed for 17-2-90 after recording acknowledgement of workman's letter dt. 16-2-90 but he fixed all the three enquiries to be held on 27-2-90. The workman again submitted a medical certificate of Dr. Ram Manohar Lohia Hospital on 19-2-90 asking for 15 days time but the enquiry officer proceeded ex-parte and took the evidence. The workman demanded the change of the enquiry officer to the higher authorities and sought permission for engaging lawyer but his request was not considered.

That the workman sent a reminder dt. 24-2-90 in the matter to the Disciplinary Authority reiterating his contention about the Enquiry Officer being against him and further requesting the Disciplinary Authority to advise the enquiry officer adjourn the enquiry proceeding in the meanwhile as he was also still under medical treatment. The Disciplinary Authority asking the workman to quote specific instances proving the biasedness of the Enquiry Officer and informing the workman that he had taken note of the other points mentioned in the letter and had advised the Enquiry Officer in that regard. The Enquiry was adjourned for 6-3-90. The workman has been advised rest for further two weeks and asked the representing officer to submit the written arguments. It was further submitted that the workman did not receive a copy of the written arguments of the management, as such principles of natural justice have not management witnesses. The charge sheet was fake. The enquiry officer was not changed though he has requested for it as he was biased against him and he has already threatened him. As such the enquiry is not fair and according to the principles of natural justice.

The management has filed written statement. In the written statement all the Paragraph of the statement of claim have been denied. It has also been denied that the enquiry officer was biased against him. It has been asserted that the workman due to reasons known to him, sought several adjournment, got himself admitted in the hospital and wanted to change the enquiry officer but did not show any specific instance regarding the prejudicial attitude of the enquiry officer so the enquiry officer was not changed. It was further submitted that the workman was not ill but he wanted to prolong the enquiry proceeding, so the enquiry was held ex-parte against him. He was sent letter regarding proposed punishment but at the time too, he sought one month's time but his application was not considered and the proposed punishment of dismissal was passed.

The workman has filed rejoinder. In his rejoinder, he has denied that he sought unnecessary adjournment. It has been asserted in the rejoinder that all the medical certificates cannot be said to be genuine. In case the medical certificates bears the signature of CMO or Medical Supdt. that has got the authenticity. In the rejoinder, all other charges have been denied.

Heard the arguments from both the sides and perused the papers on the record. The management has submitted written arguments. Heard argument of the management's counsel and the workman's counsel. It was submitted from the side of the workman that the workman was really so he wrote several letters and sent medical certificates countersigned by SMS and CMS but no attention was paid to that and the enquiry was conducted ex-parte. In this context, my attention was drawn to Calcutta High Court, 1982 LAB. IC 574 Himachal Pradesh High Court 1979 I.C. 679. I have gone through all the citations cited by the counsel of the workman. It has been held that Senior Manager issuing charge-sheet holding enquiry and passing final orders are illegal. Enquiry in this case is ex-parte no doubt. The workman has not been given and opportunity to cross-examine the single witness of the

management. He has not been heard on the point of punishment.

Heard arguments from the counsel for the management.

The learned counsel for the management said that workman's behaviour was very misrude. He abused senior officer on many occasions. My attention was drawn to 1999 (81) FLR358 S.C., 1993 (1) SLR 408 S.C., AIR 1996 S.C., 1669 and 2000 ILLJ 424SC. I have gone through all the decisions. There is no case of embezzlement against the workman. The simple thing is that the workman hurled abuses and the enquiry was held and charge sheet was submitted to him. He was given sufficient opportunity and the principles of natural justice have been followed in this case and thereafter punishment was imposed. He sought unnecessary adjournments. As such the enquiry was conducted ex-parte. It was further submitted that he was an employee of the Punjab and Sind Bank in 1995. It has been held that in case, the relevant documents are not referred and given to the delinquent despite is repeated requests, the enquiry in the circumstances stands vitiated since the workman was ill, so it cannot be said that principles of natural justice have been followed in this case. The enquiry has been conducted ex-parte and it has been conducted in very haste. Only one witness has been examined and there was no opportunity of cross-examination. It was further argued by the learned counsel of the applicant that the applicant had written several letter to the higher authorities that the enquiry officer and Sh. P. S. Kohli are not having good terms with him and he was threatened that some harm would be done to him. He has already written letters W/11, 12 and 13 regarding the threatening to the workman regarding involving him in the false cases by the Regional Manager. Sh. P. S. Kohli. As such these letters have got very much importance. Mr. P. S. Kohli was really at personally annoyed at inimical to the workman so he threatened him to involve him in some false cases. The workman informed higher authorities regarding all these threatening, therefore, the enquiry is vitiated as the threatening is genuine which indicates the bad intention from the side of the management. It was further submitted that four chargesheets were issued to him and all the four chargesheets, only vulgar abuses and misbehaviour have been alleged. One of the dates was Sunday. On Sunday, it was not possible, the workman would be present and he will abuse his senior officers. As such the charges of Sunday are false. It simply indicates that charges of all the 3 dates were similar to the charges of Sunday and management was bent upon to involve the workman in false cases. Nothing substantial against his conduct was found so he was charged with hurling of abuses but this charge cannot be said to be proved by a single witness as this incident took place in the premises of the bank and there are bound to be several persons but none came in support of the charges and MW-1 was not cross-examined. The enquiry was ex-parte. The principles of natural justice was not followed. The law cited by the management are not applicable in the facts and circumstances of the case and I have gone through the law cited by the management as well as by the workman as the

enquiry was ex-parte, principles of natural justice was not followed. MW-I has not been cross-examined. The enquiry officer was not changed despite repeated requests. The workman was not heard on the point of punishment. The law cited by the workman are fully applicable in the facts and circumstances of the case whereas the law cited by the management are not pertaining to the facts and circumstances of the case. The enquiry stands vitiated for the reasons mentioned above.

So far as the back wages are concerned, the workman has not pleaded that he was not in gainful employment and there is no evidence from the side of the management also that he was in gainful employment. The workman must have doing something for his livelihood and subsistence so in the facts and circumstances of this case. 50% of the back wages are to be given to the workman.

The award replied thus:—

The action of the management of Punjab and Sind Bank in dismissing the workman Sh. Inderpal Singh w.e.f. 25-5-91 is not justified. The workman deserved to the reinstatement from the date of his suspension and he is entitled to get 50% of the back wages with due increments.

The award is given accordingly.

Dated 26-03-04

R. N. RAI, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2004

का० आ०.1089.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 177/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-04-2004 को प्राप्त हुआ था।

[सं. एल-42012/10/90-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th April, 2004

S.O.1089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 177/90) of the Central Government Industrial-Tribunal/Labour Court, Chandigarh now as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 05-04-2004.

[No. L-42012/10/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR-COURT, CHANDIGARH
PRESIDING OFFICER: SHRI S.M. GOEL

Case No. ID 177 of 1990

Partap Singh C/o Shri R. K. Singh, Q. No. 35-G, Nangal Township.

.....Applicant

Versus

Executive Engineer, O & M Divn. BBMB
Dhulkot, Ambala City.

.....Respondent

APPEARANCES:

For the Workman: : Shri R. K. Singh

For the Management: Ms. Jyoti Kaushal

AWARD

(PASSED ON 10-3-2004)

Central Government vide notification No. L-42012/10/90 IR(DU) dated 9th of November, 1990 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Executive Engineer, O & M Divn. BBMB Dhulkot, in terminating the services of Shri Partap Singh Son of Shri Hari Singh, daily rated workman w.e.f. 16-12-1988 is legal and justified? If not, to what relief the concerned workman is entitled and from what date."

2. In the claim statement it is pleaded by the workman that he was engaged by the management on 7-1-1985 and worked till 31-3-1985 as mazdoor on daily wage basis and after that he was promoted as workcharged tradesman w.e.f. 1-4-1985 in the pay scale till 25-7-1985 and thereafter he was appointed as mazdoor w.e.f. 1-8-1985 and worked continuously till 15-2-1988 when his services were terminated by the management without any enquiry and without paying any retrenchment compensation and notice of one month was also not given to the workman before terminating his services although he had already completed more than 240 days of service in one calendar year. The management had retained the juniors to the workman also, and they were also made regular. The management thus violated the mandatory provisions of the I.D. Act 1947 and he has prayed that the termination w.e.f. 16-2-1988 be held illegal and void and the workman be ordered to be reinstated in service with full back wages and other service benefits.

3. The service rendered by the workman as detailed in his claim statement has been admitted by the management in the written statement but it is pleaded that the workman was employed on specific work as per term of appointment and it is pleaded that the workman left the job of his own and those workmen though juniors to the petitioner on the rolls have been included in the seniority list. It is also pleaded that since the work of the division against which the workman was employed came to an end, therefore, his services were terminated. It is prayed by the management, that reference is not maintainable and the reference be rejected.

4. Rejoinder was also filed by the applicant reiterating the claim made in the claim statement.

5. In evidence the applicant filed his own affidavit: Ex. W1 and also one document Ex. W2. In rebuttal, the management produced MWI P.P. Wahi who filed his affidavit Ex. M3 and documents Ex. M4 to M14.

6. I have heard the learned rep. of the parties and have also gone through the evidence and record of the

case. It is admitted case of the parties that workman worked with the management from 7-1-1985 till 15-2-1988 and he has completed more than 240 days of service immediately prior to the date of termination i.e. 15-2-1988. It is also admitted case of the parties that no retrenchment compensation was given to the workman at the time of his termination. The plea of the management is that the work against which the applicant was employed came to an end and his services were terminated in accordance with the conditions of the appointment letter, and workman was not required to be paid any retrenchment compensation. The learned rep. of the management also argued that the applicant himself left the job on his own accord and took employment with M/S Chandan Associates and he worked there from 2/88 to 7/89 in accordance with the document Ex. M1. The applicant was also called to work with the management from 16-11-1992 to 7-2-1993 on new deposit work vide office letter dated 23-10-1992. Therefore, the workman remained employed gainfully during intermittent period. As the management has not complied with the mandatory provisions of Section 25-F of the I.D. Act, 1947 as no retrenchment compensation was paid at the time of retrenchment which is pre-condition to termination, therefore, the termination of the workman w.e.f. 16-2-1988 is held illegal and unjustified. But as the workman remained gainfully employed during the intermitent period, he will not be entitled to any backwages and also he will not be entitled to any continuity of service. The management is directed to reinstate the workman on the same post which he was holding at the time of termination and in the same capacity of daily rate basis. The reference is answered in favour of the workman accordingly. Central Government be informed.

Chandigarh.

10-3-2004.

S.M. GOEL, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2004

का.०आ.०1090.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. गैरिसन इंजीनियर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 105/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-04-2004 को प्राप्त हुआ था।

[सं. एल-14011/15/91-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th April, 2004

S.O. 1090.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 105/92) of the Central Government Industrial-Tribunal-cum-Labour Court, New Delhi now as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Garrison Engineer and their workmen, which was received by the Central Government on 05-04-2004.

[No. L-14011/15/91-IR (DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESENT

SHRI B. N. PANDEY : Presiding Officer

INDUSTRIAL DISPUTE NO : 105/1992

Shri Bachhu Singh,
S/o Shri Ram Prasad,
Switch Board Attendant,
Working under Garrison Engineer, Palam (North),
Air Force, Delhi Cantt.

Through Delhi Labour Union,
Aggarwal Bhawan,
G.T. Road, Through Secretary,
Tis Hazari,
Delhi-110054.

.....Workman

Versus

Management of M/s. Garrison Engineer
Palam (North),
Air Force through its Commander
Works Engineer (AR),
Palam, Delhi Cantt.,
Delhi-110010.

.....Management

AWARD

The Central Government in the Ministry of Labour vide its order No. L-14011/15/91-IR(DU) dated 17-11-1992 has referred the following Industrial dispute to this Tribunal for adjudication :

SCHEDULE

"Whether the action of the management of M/s Garrison Engineer in terminating the services of Shri Bachhu Singh w.e.f. 10-1-1987 is justified? If not, to what relief the workman concerned is entitled to?"

2. The workman has assailed the action of the management respondent terminating his services w.e.f. 10-1-1987 and claimed reinstatement with continuity in service, full back wages and all other consequential benefits along with cost of litigation.

3. In his statement of claim he has alleged that he joined employment of the Garrison Engineer Palam w.e.f. 25-3-1985 as a Switch Board Attendant. He was being paid his wages as fixed and revised from time to time under Minimum Wages Act and was also enjoying other benefits like uniforms, casual and earned leave and holidays etc. He has unblemished and uninterrupted record of service to his credit from 25-3-1985 to 9-1-1987 except a few artificial and notional breaks given in service by the management by way of unfair labour practice; that he was selected for regular employment and his name was taken into the panel at serial No. 1. He was also sent for medical examination where he was declared medically fit and his character was also verified to be most satisfactory. That his services were terminated w.e.f. 10-1-1987 without assigning any valid reason thereof by Shri Mahinder Maurya, A.G.E., that his colleagues have been regularised in service in February, 1988; that no notice pay or any compensation was given

before termination of his services; that no domestic enquiry was ever conducted against him. It was also alleged that he was not afforded any opportunity of being heard; that the provisions of section 25-F, G and H of the I.D. Act, 1947 were not followed in terminating his services. Hence the termination order deserves to be quashed and he is entitled to be reinstated in services with continuity, back wages and all other benefits.

4. The claim of the workman was contested by the management by way of filing a written statement. In the written statement claim of the workman has been denied and it has been alleged that the workman has served only 75 days as per audit report; that the workman mustered purely on a casual basis to make up short fall of workers for specific works and for a fixed duration of time. Hence his employment would have come to an end automatically on completion of work for period of time. It was also denied that the workman joined service w.e.f. 25-3-1985 or worked till 1-9-1987 as claimed by him; that the workman never completed 240 days in a year. He was employed on muster roll on daily wages fixed. He was also not entitled to any leave etc.; that no such person as alleged by the workman has been made regular, only such persons are retained who are fully qualified and were eligible otherwise. That the provisions of section 25-F of the I.D. Act were not applicable as the workman had not completed more than 240 days in service; that there was no illegality in his termination from service. Hence his claim is liable to be dismissed.

5. Workman also filed rejoinder to the written statement reiterating his earlier versions of the claim statement. Both the parties filed various documents and led oral as well as documentary evidence. The workman as well as witnesses of both the side who filed affidavit were also cross-examined.

6. I have heard Ld. counsel of the parties and perused the file.

7. The short point involved in this case for adjudication of the dispute is as to whether the workman had completed 240 days in service before his termination as the management has admitted in its evidence that the workman Bachhu Singh was appointed on 25-3-1985 as a casual labour and that he was given job of a labourer. In order to prove his own case the workman has filed various documents including his own affidavit. In his affidavit he has deposed that he had continuously worked w.e.f. 25-3-1985 till the date of termination i.e. 9/10-1-1987 which comes to more than 240 days. On the other hand the W.S. filed by the management is not based on the basis of personal knowledge of any officer or official of the Management. However, it was alleged that according to the audit report the workman had worked for 75 days only i.e. 9-1-1986 to 6-2-1986, 12-6-1986 to 10-7-1986 and 29-7-1986 to 27-8-1986 but I find that it is wrong because even according to detail given it comes to 88 days whereas the management has calculated it as 75 days only. Besides, the MWI Major Anurag Bhasin has admitted in his cross-examination before this Tribunal that workman Bachhu Singh was appointed on 25-3-1985 as a casual labour and he was given job of a labourer. Another witness of the

management Major Karunesh Kumar gave a contradictory statement in his cross-examination before this court by stating that it is incorrect that Bachhu Singh joined our department on 25-3-1985. According to him workman actually joined on 9-1-1986 as per record. He further stated that he was Switch Board Attendant on muster roll basis. On being asked he stated that 'I have not brought muster roll because they were not left in our office. I have not seen those muster roll as the same are in the custody of Audit parties. The Major was supervising work of the applicant. Job of Switch Board Attendant is regular. It can be operated by a regular or casual workman. The working hours of the regular as well as daily wage are same. They perform the same work.' He also admitted that no notice nor notice pay was given to him as same was not required, later portion was volunteered. He also stated that no service compensation was given to the workman. I find that the evidence of the management produced before this court is self-contradictory and leads to the only conclusion that the management has purposely concealed the real facts. Direct evidence has not been produced by the Management. No explanation has been given as to why Mr. Mahinder Maurya who was supervising work of the workman as stated by management witness Major Karunesh Kumar was not examined before this court. The muster roll was summoned from the management on the prayer of the workman but it was not produced before the court by the management despite warning that in case of failure to produce the same adverse presumption could be drawn against the management. No explanation was offered as to why muster roll was not produced. The workman has clearly stated that he worked continuously from the date of his employment i.e. 25-3-1985 till 9/10-1-1987 except a few notional breaks given by the management for no fault of the workman. Comparatively I find the evidence of the workman more reliable. Therefore, I hold that he had worked for more than 240 days in every year w.e.f. his entering into service till the date of his termination. Admittedly no notice of termination, notice pay or compensation was given to the workman before his termination. The provisions of section 25F of the I.D. Act were not complied with, therefore, the action of the management in terminating the services of the workman Bachhu Singh w.e.f. 10-1-1987 cannot be legally justified. It deserves to be quashed and the workman is entitled to be reinstated with continuity in service and all other consequential benefits within a period of 30 days from the date of publication of the award in official gazette. However, in the circumstances and facts of the case I find that the workman is not entitled to get back wages. Parties shall bear their own costs. Award accordingly.

Dated : 31st March, 2004.

B.N. PANDEY, Presiding Officer

नई दिल्ली, 5 अप्रैल, 2004

का. आ. 1091.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार/श्रम न्यायालय अजमेर

के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-04-2004 को प्राप्त हुआ था।

[सं. एल-40012/282/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th April, 2004

S.O. 1091—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ajmer as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 05-04-2004.

[No. L-40012/282/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर
(राज.)

पीठासीन अधिकारी अतुल कुमार जैन, आरएचजेएस

प्रकरण संख्या-सीआईटीआर-19/99

(केन्द्र सरकार का रेफरेंस पत्र क्र. एल-40012/282/

99/आईआर (डीयू) नई दिल्ली दि. 19-11-99

रूपसिंह पुत्र भगवानसिंह राजपूत निवासी-1/289 साकेत नगर,
हाऊसिंग बोर्ड कॉलोनी, ब्यावर, जिला अजमेर

.....प्रार्थी

बनाम

अधीक्षक, पोस्ट ऑफिस, ब्यावर जिला अजमेर

.....अप्रार्थी

अधिवक्तागण: श्री आशोक माथुर : प्रार्थी की ओर से।

: श्री शैलेंद्र माथुर, अप्रार्थी की ओर से।

दिनांक : 11/3/04

निर्णय/अवार्ड

इस प्रकरण में केन्द्र सरकार से प्राप्त रेफरेंस इस प्रकार था कि क्या विपक्षी ने प्रार्थी को 28-8-98 से सेवा से पृथक करके तथा उसकी वैधानिक बकाया का भुगतान नहीं करके उचित एवं वैधानिक कार्य किया है? यदि नहीं तो श्रमिक किस अनुतोष को पाने का अधिकारी है?

प्रकरण में प्रार्थी रूपसिंह ने अपना स्टेटमेंट ऑफ क्लेम 14-6-2000 को पेश किया था। विपक्षी ने 29-8-01 को क्लेम का जवाब पेश किया था। विपक्षी ने क्लेम के जवाब में सेवामुक्ति के तुरंत पूर्व के एक वर्ष तक प्रार्थी रूपसिंह का उनके यहां एक्सट्रा डिपार्टमेंट डिलीवरी एजेंट (विभागीय डाक वितरक) के रूप में कार्य करना एडमिट कर लिया था। अतः प्रार्थी ने इस प्रकरण में कोई शहादत पेश नहीं करके एडमिशन के आधार पर ही स्वयं के पक्ष में निर्णय चाहा है।

विपक्षी का कहना है कि प्रार्थी अवसर दिये जाने पर भी बयानों के लिए हाजिर नहीं हुआ था तथा विपक्षी को प्रार्थी से झिड़काव का मौका नहीं मिला है अतः प्रार्थी का क्लेम खारिज कर दिया जाना चाहिए।

मैंने उभयपक्ष के तर्क सुने, पत्रावली का अवलोकन किया, मेरा विवेचन निम्न प्रकार है :-

यह सही है कि प्रार्थी ने न तो खुद के बयान कराये हैं और न ही किसी दस्तावेज पर प्रदर्श अंकित कराये हैं लेकिन प्रार्थी के क्लेम को पूर्णतः या अंशतः विपक्षी ने एडमिट कर लिया है तो उस हद तक प्रार्थी का क्लेम बगैर साक्ष्य के भी मंजूर किया जा सकता है। अब हमें देखना यह है कि क्या विपक्षी ने प्रार्थी का क्लेम प्रत्यक्ष या अप्रत्यक्ष में एडमिट किया है? प्रार्थी का कहना है कि दि. 15-10-95 से वह अतिरिक्त विभागीय डाक वितरक (ईडीएमएस) के पद पर विपक्षी के यहां कार्य कर रहा था तथा दि. 28-8-98 को विपक्षी ने धारा 25एफ औद्योगिक विवाद अधिनियम की पालना किये बगैर उसे नौकरी से हटा दिया। प्रार्थी ने सेवा की निरंतरता के साथ समस्त लाभ व बैंक वेजेज दिलाये जाने की तथा सेवा में पुनः बहाली की प्रार्थना की है। विपक्षी का कहना है कि उनके यहां स्थाई कर्मचारी कमल किशोर की सेवामुक्ति वर्ष 1995 में हो जाने पर नियमानुसार उचित प्रक्रिया के तहत योग्य व्यक्ति की नियमित स्थाई नियुक्ति होने तक के लिए स्टॉफ गैप ऑरेंजमेंट के तहत रूपसिंह तथा उसके लड़के सुनील कुमार को उनके यहां बतौर एक्सीट्री ईडीएमसी काम पर रखा था। क्लेम के जवाब के पैरा नं. 2 में विपक्षी ने स्वीकार किया है प्रार्थी रूपसिंह ने उनके यहां 15-10-95 से 12-3-96 तक 21-3-96 से 4-6-96 तक, 7-6-96 से 9-6-96 तक, 20-6-96 से 21-10-96 तक, 13-11-96 से 1-5-97 तक, 8-5-97 से 13-5-97 तक, तथा 19-7-97 से 28-8-98 तक ईडीएमसी के रूप में कार्य किया था। विपक्षी का कहना है कि नियमित स्थाई कर्मचारी की नियुक्ति होने पर प्रार्थी को कार्य से हटाये जाने से पूर्व कोई लिखित नोटिस या सुनवाई का मौका दिया जाना आवश्यक नहीं था। विपक्षी का यह भी कहना है कि मौखिक आदेशानुसार उसने प्रार्थी को अंशकालीन अवधि के लिए कार्य पर लगाये जाने से पूर्व ही उसे बता दिया था कि स्थाई कर्मचारी आते ही उसे हटा दिया जावेगा।

उल्लेखनीय है कि विपक्षी ने एक ओर तो स्वीकार किया है कि 19-7-97 से 28-8-98 तक लगातार प्रार्थी ने उनके यहां काम किया है तथा दूसरी ओर विपक्षी का कहना है कि प्रार्थी ने उनके यहां लगातार 240 दिन तक काम नहीं किया है। ऐसा लगता है कि विपक्षी की गणित कमजोर है। 19-7-97 से 28-8-97 तक की अवधि तेरह माह से अधिक हो जाती है। इस प्रकार निश्चय ही प्रार्थी ने सेवामुक्ति के तुरंत पूर्व की एक वर्ष की अवधि में 240 दिन या उससे अधिक समय तक कार्य किया था। विपक्षी ने अपने जवाब में यह कहीं भी नहीं कहा है कि उसने प्रार्थी को नौकरी से हटाने से पहले धारा 25एफ औद्योगिक विवाद अधिनियम 1947 के तहत प्रार्थी को कोई नोटिस या नोटिस की एक्सा में कोई तनख्वाह या ग्रेच्युटी आदि दी हो। प्रार्थी का श्रमिक होना तथा विपक्षी का उद्योग होना उभयपक्ष की प्लीडिंग्स में विवादित नहीं है।

प्रकरण के हालात में यह निर्धारित किया जाता है कि प्रार्थी रूपसिंह को 28-8-98 से ईडीएमसी के पद से विपक्षी ने अनुचित रूप से

सेवा से पृथक् किया है। प्रार्थी की नियुक्ति नियत अवधि के लिए हो या स्थाई कर्मचारी आने तक के लिए हो, ऐसा प्रकरण में विपक्षी ने साबित नहीं किया है। यह सही है कि अब तब निश्चय ही विपक्षी ने ईडीएमसी के पद पर नियमानुसार स्थाई नियुक्ति किसी अन्य व्यक्ति को दे दी होगी और अब प्रार्थी को विपक्षी पर धोपा नहीं जा सकता है लेकिन अनियमित सेवामुक्ति के हजाने के रूप में प्रार्थी रूपसिंह को विपक्षी से इस प्रकरण में 10,000/- अक्षरे दस हजार रुपये मात्र हजाना दिलाया जाना में न्यायोचित समझता हूं। माननीय राजस्थान उच्च न्यायालय ने डी.बी. सिविल स्पेशल अपील सं. 454/93 राजकीय महाविद्यालय, अजमेर/समीडल्लाह खां में निर्णय दि. 17-12-97 के द्वारा 240 दिन का सेवाकाल पूरा कर लेने पर भी धारा 25एफ औद्योगिक विवाद अधिनियम की पालना किये बगैर हटाये गये चतुर्थ श्रेणी कर्मचारी को नियोजक से एक लाख रुपये हजाना सेवा में पुनः बहाली के स्थान पर दिलाना उचित माना था। 1981(1) LLJ S.C. 386 S.K. Verma, I.T. भी यहां उल्लेखनीय है।

उक्त नजीर वर्तमान प्रकरण पर सिद्धांततः लागू की जा सकती है।

जहां तक प्रार्थी के बोनस व नियमित वेतन शृंखला में एरियर्स का प्रश्न है, प्रार्थी ने अपना क्लेम साबित नहीं किया है। अतः प्रार्थी इस रेफरेंस में इस न्यायालय के माध्यम से अपने सेवाकाल के नियमित वेतन शृंखला के आधार पर एरियर्स तथा बोनस प्राप्त नहीं कर सकता है।

तदनुसार प्रकरण में अवार्ड इस प्रकार पारित किया जाता है कि प्रार्थी विपक्षी से अवैधानिक सेवामुक्ति की एवज में दस हजार रुपये 10,000/- रु. मात्र हजाना प्राप्त करने का हकदार है। प्रार्थी की क्लेम में अंकित बकाया प्रार्थनायें खारिज की जाती हैं।

अतुल कुमार जैन, न्यायाधीश

नई दिल्ली, 5 अप्रैल, 2004

का. आ. 1092.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेन्ट ऑफ पोस्ट्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी-53/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-04-2004 को प्राप्त हुआ था।

[सं. एल-40025/10/2004-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th April, 2004

S.O. 1092.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-53/2003) of the Central Government Industrial Tribunal/

Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Superintendent of Posts and their workman, which was received by the Central Government on 5-4-2004.

[No. L-40025/10/2004-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

PRESENT

SHRI E. ISMAIL, B.Sc., LL.B., PRESIDING OFFICER

Dated the 13th days of January, 2004

INDUSTRIAL DISPUTE L.C.I.D. No. 53/2003
(Old I.D. No. 295/99 Transferred from Labour Court,
Guntur)

BETWEEN

Shri Amruthluru Subba Rao,
C/o. Pochipogu Salomon,
16th Ward, Sanjay Colony,
Nidubrolu.

AND

1. The Superintendent of Posts,
Tenali
2. The Sub-Post Master,
Ponnur.

APPEARANCES:

For the Petitioner : M/s. M. Govind, N. Janardhan
Reddy & K. Ajay Kumar,
Advocate

For the Respondent : Sri B. Rajavardhan Reddy,
Advocate

AWARD

This is a case taken under Sec. 2A (2) of the I. D. Act, 1947 by the Labour Court, Guntur in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I. D. No. 295/99 and renumbered in this Court as L.C.I.D. No 53/2003.

2. The brief facts as mentioned in the petition are : That the Petitioner joined as EDDA in the Management of Postal Department on 7-11-97 and worked continuously without any laches till 1-4-99. The Petitioner is retrenched from service without any prior notice, without satisfying the mandatory provisions laid down under Sec. 25 F of the ID Act. On 1-4-99 as usual the Petitioner attended to his duties. The Management did not allow him in duties on the other hand the second Respondent served a memo stating that the services of the Petitioner are terminated. After several oral requests, he served a notice on demand, on 4-8-99 to the first Respondent requesting him to reconsider his case. The termination is opposed to law. Hence, he may be directed to be reinstated with continuity of service and attendant benefits and back wages with 12% interest per annum.

3. A counter was filed on behalf of the Management. That the Management submits that the Department of Posts is not an 'Industry' and its employees are not workmen under the provisions of I.D. Act, 1947. This was decided by the Hon'ble Supreme Court in its Judgement in CA No. 2431/1994. Copy of the order is annexed herewith. The petition has to be dismissed on that point only. The Management respectfully submit that the EDDA was created w.e.f. 7-11-99 for redeployment of the post of EDMC, Bodipalem branch office under Machavaram sub-division. The Petitioner was appointed as EDDA, Ponnur only on provisional basis on 7-11-97. The selection process to fill up the post of EDDA, Ponnur a regular post was initiated by addressing the employment exchange, Guntur for sponsoring the candidates on 6-2-99. Subsequently, an open notification was issued on the even date. 32 applications were received, among which 4 were rejected. Out of the remaining applications five candidates were called for interview on 30-3-99 on merit basis. The present Petitioner is also one of the candidates among the said 28 candidates. Subsequently five candidates were selected on merit basis. The present Petitioner is not among those five candidates as the percentage of marks secured by him is very very less. That he filed OA No. 678/99 on 29-4-99 and the Hon'ble Central Administrative Tribunal, Hyderabad has dismissed his case. Hence, the petition may be dismissed.

4. The Petitioner examined himself as WW1 and deposed that he joined the Respondent Department on 7-11-97 as EDDA on provisional basis. That on 1-4-99 he was retrenched, which is marked as Ex. W1. He made several representations but to no avail. That he served a demand notice to Respondent No. 1 copy of which is marked as Ex. W2 and the same was received by R1 on 5-8-99, acknowledgement is Ex. W3. That he was assured that after completion of 240 days his service will be regularized. That he filed OA No. 678/99 before the Hon'ble Central Administrative Tribunal, copy of which is marked as Ex. W4. The minimum qualification for EDDA is only 10th class

whereas he has completed intermediate in the year 1994. At the time of termination no enquiry is conducted and he was drawing Rs. 2153/- per month.

5. In the cross examination he deposed that on his application the Department has taken him on service on provisional basis. The appointment is not under any notification. That subsequently, the Department has issued a notification to fill up the EDDA posts at Ponnur for regular appointment reserving it for SC category. He applied for the said post. That he secured 176 out of 500 in SSC. He approached the Hon'ble Central Administrative Tribunal. That he was called for interview. He was not selected because of marks. That as per the Hon'ble Central Administrative Tribunal's direction he was again called for interview for the post of ED Packer at Ponnur. He could not be selected because of his low marks. It is correct that he was called twice for interview.

6. Assistant Post Master, Sri G. Sambamurthy examined himself as MW1 and agreed that while the Petitioner was appointed previously as EDDA purely on temporary basis and he repeated what all was admitted by the Petitioner in the cross examination. In the cross examination he deposed that he does not know whether S/Sri K. Nagabhushanam, K. Koteswar Rao, Shiek Kalesh, Sk. Sammad, Prabhu Das, Venkatpalli appointed previously as EDDA were subsequently regularized. That the Petitioner was not given any notice or pay in lieu of notice, no retrenchment compensation was also paid. He denied that for non compliance of the above termination is illegal. The minimum qualification is 8th pass, but SSC preferable. No restriction on higher qualification. He denied that merely because the Petitioner approached the Hon'ble Central Administrative Tribunal, he was deprived.

7. It is argued by the Learned Counsel for the Petitioner submits that the Petitioner has put in more than 240 days continuous service. That I.D. Act applies to the postal employees also and therefore Sec. 25F should have been complied with. The very termination without applying the Sec. 25F is illegal and hence, the Petitioner is liable to be reinstated as per 1 LLJ 1981 SCC page 386, wherein their Lordships held that it is sufficient if the workman has completed more than 240 days. He also relied on 2001 (1) LLJ page 742 wherein it was held, "When the employee had put in more than 240 days of service in each year for several years, and there was termination of his service in violation of the procedure prescribed under Section 25F of the I.D. Act, 1947 as it was in this case, the employee would have to be reinstated on the same terms and conditions in which he was working". He also relied on 2002 Supreme Court Cases (L&S) page 4010, wherein it was held that, "Reinstatement—Held, is to the same original status on same terms and conditions—Hence, High Court was wrong in denying benefits of Sec. 25F to appellant on the ground that his reinstatement would have the effect of changing his status from casual worker to a permanent employee—If

retrenchment is affected without complying with requirements of Sec. 25F, employee has to be reinstated to his original service on the same terms and conditions on which he was working earlier—High Court order set aside and award of Labour Court which directed appellant's reinstatement with back wages, restored". He also relied on 1998(4) ALD page 406 a Judgement of the Hon'ble High Court of A.P., wherein it was held that, "Plea of employer that the Petitioner was employed on temporary basis in view of temporary increase of work—Not established—Termination illegal". He also relied on a full bench of Hon'ble High Court of A.P., Judgement in 1998 1 LLJ page 109 wherein it was held that, "It is, therefore, evident that the Petitioner continuously served more than five years but her services orally terminated without holding any enquiry. Such mode of termination amounts to illegal retrenchment contravening Sec. 25F of the I.D. Act. Either retrenchment notice or compensation was not given to her and therefore, held that termination of service of the Petitioner is illegal". He also relied on 1998 1 CLR page 184 wherein their Lordships held that, "as per the test laid down in the case of Bangalore Water Supply, the Telecommunication Department is an 'industry' as defined in S.2 (j) of the Act, that it is not engaged in discharging any of the sovereign functions of the state and that the decisions in the cases of Sub-divisional Inspector of Post, Vaikam V. Theyyam Joseph 1996, II CLR 237 and Bombay Telephone Canteen Employees Association V. Union of India 1997, II CLR 218 cannot be treated as laying down the correct law". Hence, he may be reinstated with back wages and all attendant benefits.

8. It is argued by the Learned Counsel for the Respondent that the Department of Posts is not an 'Industry' and its employees are not workmen under the provisions of I.D. Act, 1947. This was decided by the Hon'ble Supreme Court in its Judgement in CA No. 2431/1994. The petition has to be dismissed on that point only. The EDDA was created w.e.f. 7-11-99 for redeployment of the post of EDMC, Bodipalem branch office under Machavaram sub-division. The Petitioner was appointed as EDDA, Ponnur only on provisional basis on 7-11-97. The selection process to fill up the post EDDA, Ponnur a regular post was initiated by addressing the employment exchange, Guntur for sponsoring the candidates on 6-2-99. Subsequently, an open notification was issued on the even dated, 32 applications were received, among which 4 were rejected. Out of the remaining applications five candidates were called for interview on 30-3-99 on merit basis. The present Petitioner is also one of the candidates among the said 28 candidates. Subsequently five candidates were selected on merit basis. The Petitioner is not among those five candidates as the percentage of marks secured by him is very very less. That he filed OA No. 678/99 on 29-4-99 and the Hon'ble Central Administrative Tribunal, Hyderabad has dismissed his case. Hence, the Petitioner is not entitled for any relief.

9. It may be seen that as per the Judgement reported in Sub-divisional Inspector of Post, Vaikam V. Theyyam Joseph 1996 II CLR 237 and Bombay Telephone Canteen Employees Association V. Union of India 1997 II CLR 218, subject to Postal Department is held as an 'industry' and obviously the Petitioner has worked from 7-11-97 till 31-3-99 as EDDA, obviously for more than 240 days in 12 months and admittedly by MW1 no notice or retrenchment compensation was given to him. Hence, he is liable to be reinstated but it has come in evidence that other appointments are made and five other persons have been appointed. Hence, I am of the opinion that giving him some compensation would meet the ends of justice. He was drawing Rs. 2153/- at the time of termination. Hence, it may be just and desirable to pay him 10 months last drawn pay. According to him his pay is Rs. 2153/-. Hence, he is entitled for Rs. 21530/- plus Rs. 1470/- as cost of this litigation, total Rs. 23000/- which must be paid within 30 days of publication of this award failing which he will be entitled of interest at 12% p.a. after completion of 30 days of publication of award.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 13th day of January, 2004.

E. ISMAIL, Presiding Officer

Appendices of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WWI : Sri A. Subbarao	MW1 : G. Sambamurthy

Documents marked for the Petitioner

Ex. W1	: Copy of termination order dt. 1-4-99
Ex. W2	: Copy demand notice dt. 4-8-99
Ex. W3	: Copy of acknowledgement to Ex. W2
Ex. W4	: Copy of order in OA 678/99 dt. 29-4-99

Documents marked for the Respondent

NIL

नई दिल्ली, 5 अप्रैल, 2004

का. आ. 1093.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी-32/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-04-2004 को प्राप्त हुआ था।

[सं. एल-40025/9/2004-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th April, 2004

S.O. 1093.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-32/2001) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 5-4-2004.

[No. L-40025/9/2004-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT

SHRI E. ISMAIL, B.Sc., LL.B., PRESIDING OFFICER

Dated the 12th day of January, 2004

INDUSTRIAL DISPUTE L.C.LD. No. 32/2001

BETWEEN

Shri Md. Imtiyaz
R/o 4-2-89, Ramaiah Bowli,
Mahabubnagar.

.....Petitioner

AND

1. The Telecom District Manager,
Mahabubnagar.

2. The Sub Divisional Officer,
Telecom, Mahabubnagar.

.....Respondents

APPEARANCES:

For the Petitioner : Sri K. Ravinder Goud,
Advocate

For the Respondent : Sri R. S. Murthy,
Advocate

AWARD

This is a case taken under Sec. 2A (2) of the I. D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are : That the Petitioner has joined as casual Mazdoor on 1-10-83 and worked continuously till 30-4-1985 and his services were terminated by oral order dated 1-5-1985. The Petitioner has completed 240 days of work in various places. He was doing work like laying cable, digging work, telephone maintenance and other miscellaneous works. On the day of termination of his service his juniors namely, S/Sri A. Madavaiah, M. Venkatesh, B. V. Subbaiah, S. Rahim, S. A. Rahman, etc., are still in service. The Petitioner filed

OA No. 16/93 before the Hon'ble Central Administrative Tribunal, Hyderabad and it ordered his reengagement if there is work in preference to freshers. They engaged some other persons. Hence, he represented through an Advocate on 2-12-96. They did not consider. Hence, a legal notice was issued on 16-10-2000 even then nothing was done. Hence, he may be reinstated with all consequential benefits.

3. The Respondents filed counter stating that the dispute is not maintainable under Sec. 2A(2). That the Petitioner was engaged as casual mazdoor for 164 days during 1983-84, 177 days during 1984-85, 62 days during 1985-86 and 30 days during 1986-87. After a lapse of 7 years he approached the Hon'ble Central Administrative Tribunal vide OA No. 16/93. The Hon'ble Central Administrative Tribunal ordered that, "The applicant should be reengaged if there is work in preference to freshers in the same Unit from where he was retrenched earlier". As a matter of policy casual labour is not being engaged. No junior to petitioner is working. Sri A. Madhavaiah and Others were engaged in Telegraph Traffic Wing. Consequent to its merger with Telecom Sub-Division, they were confirmed with temporary status. That the petition is also barred by principles of res-judicata having regard to the order, dated 1-11-95 in O.A. No. 16/93. The ID after such a long period is misconceived and the petitioner is not entitled for any relief.

4. The Petitioner examined himself as WW1 and deposed that he has joined the Respondent Department on 1-10-1983 as casual mazdoor. He worked upto 30-4-85. In every year from 1983 to 1985 he completed 240 days. He used to work laying of cable, digging work, telephone maintenance and other miscellaneous works. After his termination he filed OA No. 16/93 which was disposed off on 1-11-95 which was marked as Ex. W1. The Hon'ble Central Administrative Tribunal directed the Respondent to take him into service. The Respondent did not comply with the orders of the Hon'ble Central Administrative Tribunal. He issued a legal notice which is Ex. W2. Ex. W3 is the day book where Respondent officers used to sign his attendance. In his place some others employed by name S/Sri. Madhavaiah, Venkatesh, Subbaiah, Raheem, P. Laxma Reddy and P. Ranga Rao. He prayed that he may be reinstated with back wages and all attendant benefits.

5. In the cross examination he deposed that he started working as casual mazdoor and worked upto 30-4-85. That they took work from him during 1986 also and gave him in writing that they will take him as and when there is work. He worked for laying down trunk lines between Mahabubnagar and Kodangal. After completion of that project he was given the digging work for laying down cables at Mahabubnagar. S.D.O.T. asked him not to come. That he is going from 1986. He has not filed the copy of written representation. He does not remember the total number of days he worked. He filed OA No. 16/93 and obtained Ex. W1 orders. He went and asked several times

after the order Ex.W1 but they said they have no work. They gave Ex. W4 that they would engage him whenever there is work. At present there is no engagement of casual labour in the Department. In the further chief he deposed after he was removed. Juniors to him are working. Ex.W5 is the list of casual mazdoors working in Mahabubnagar. Ex.W6 is the affidavit filed by Sri. D. Balamuni, D.E., Telecom, Mahabubnagar in ID 9/2000 before Industrial Tribunal-II.

6. Sri S. Venkataramulu deposed that he is deposing from records. That the Petitioner used to be engaged intermittently upto 31-3-85. He did not come for work after 1-4-85 except for a spell of 30 days. Thereafter he did not seek any work. There is a ban imposed for engagement of casual labourer in 1985 and in 1988 and so reported on 12-2-99. The letters are Ex.M1 and M2. In view of the ban no casual labourers have been engaged. The casual labourers are not engaged against any post for the need based work. They were paid daily wage on ACG-17 vouchers. The claimant did not seek any work after 1987. There is no retrenchment. Hence, the provisions of Sec. 25F are not applicable to the casual labourer engaged on daily wages. Hence, the Petitioner is not entitled to any relief.

7. In the cross examination he deposed that he is worked as S.D.O. since 17-5-2000. Basing on the records he is deposing the evidence. There is record to show that the Petitioner worked from 1983. From October, 1983 to March, 1984 he worked for 164 days. From April, 1984 to February, 1985 he worked for 177 days. During April, 1985 to March, 1986, he worked for 62 days. In 1986 and 1987, he worked in April, 1986 for all the 30 days. From October, 1983 to September, 1984 he worked for 323 days and he denied that Sec. 25-F of the I.D. Act is applicable.

8. It is argued by the Learned Counsel for the Petitioner that according to MW1, it is admitted that from October, 1983 to September, 1984 the Petitioner worked for 323 days which is obviously more than 240 days. That his services were terminated on 1-5-86 orally and therefore the oral termination may be set aside and he may be directed to be reinstated with all consequential benefits forthwith. That the claim of the Respondent that he did not seek any work from 1997 onwards is not correct and therefore the Petitioner is entitled for all the reliefs as claimed for.

9. It is argued by the Learned Counsel for the Respondent that the alleged oral termination on 1-5-1985 was challenged by him in OA 16/93. The Hon'ble Central Administrative Tribunal disposed of the OA 16/93 vide order dated 1-11-1985 directing to reengage him, as the direction was not complied a notice was issued on 16-10-2000. It was mentioned that he represented to the SDOT for work from 1986 and also approached for providing work pursuant to the order in OA No. 16/93. He was informed that there is no work. The record shows that the Petitioner was engaged in 1983-84 for 164 days,

in 1984-85 for 177 days and in 1985-86 for 62 days. Now he has waken up after so many years and approached this Court. The Petitioner having accepted the order of the Hon'ble Central Administrative Tribunal on 1-11-1985 could not re-agitate the same and the Learned Counsel for the Respondent relied on various Judgements.

10. It may be seen that even according to Petitioner he worked upto 1-10-1983 to 30th April, 1985 then he filed OA 16/93 which was disposed of on 1-11-1995. So it may be seen that first of all he kept quiet till 4-1-1993 for 8 long years and afterwards he approached this Court after a gap of 17 years. No doubt, limitation is not provided under the Act. But yet it cannot be taken for granted that one can approach at any time at his will and pleasure. Twenty years means a generation gap. He comes to the Court after 17 years, obviously he would not have been out of work. Hence, I have no option but to give same order which was given by the Hon'ble Central Administrative Tribunal that the Petitioner should be reinstated if there is work in preference to the freshers in the same unit or from where he was retrenched earlier. If, in pursuance of this direction he is going to be engaged, none of the casual mazdoors who are already in service will be retrenched, but one worked of caution, the respondent should be magnanimous and do not take it as a question of prestige, after all these casual mazdoors come from the lowest strata of society, economically backward, uneducated and therefore it is in the best of the things that the Respondents should be magnanimous, although a direction is given by the Hon'ble Central Administrative Tribunal in 1995 yet, it has to see the light of the day. I hope and trust that if any casual labour is engage this Petitioner will be given preference taking his date of appointment as 1-10-1983 and for age factor, his age should be counted as on 1-10-1983.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 12th day of January, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner	Witness examination for the Respondent
WW 1: Sri Md. Imtiyaz	MW 1: S. Venkataramulu

Documents marked for the Petitioner

Ex. W1 : Copy of order in OA No. 16/93
Ex.W2 : Copy of legal notice by WW 1 dt. 16-10-2000
Ex. W3 : Day Book
Ex. W4 : Representation to engage WW 1 dt. 2-12-1996
Ex. W5 : Copy of list of Casual Mazdoors working in Mahabubnagar.

Ex. W6 : Copy of affidavit filed by Sr D. Balamuni, D.E. Telecom Mahaboobnagar in ID 9/2000 before Industrial Tribunal-II Hyderabad.

Documents marked for the Respondent

Ex. M1 : Copy of instn. No. TA/STA/9-1 Rlgs. V. dt. 23-5-1985.

Ex. M2 : Copy of Ir. No. 269-4/93-STN-II (Pt.) dt. 12-2-1999.

नई दिल्ली, 6 अप्रैल, 2004

का. आ. 1094.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आफिसर कमांडिंग 50(1) पैरा ब्रिगेड के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 111/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-04-2004 को प्राप्त हुआ था।

[सं. एल-14011/23/98-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 6th April, 2004

S.O. 1094.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 111/99) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Officer Commanding 50(1), Para Brigade and their workmen, which was received by the Central Government on 6-4-2004.

[No. L-14011/23/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE 2ND LOKADALAT PRESIDED OVER BY
SRISURESH CHANDRA H.J. S. PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM-LABOUR COURT, 117/9
SARVODAYA NAGAR, KANPUR, UP
INDUSTRIAL DISPUTE NO. 111/99**

In the matter of dispute Officer Commanding
50 (1) Para Brigade, OFP
Through 56 A.P. O.
Agra-282001

AND

General Secretary
Rashtriya Mazdoor Congress (INTUC)
43/16, Sector-15
A Sector-16 Sikindara
Agra

AWARD :

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-14011/23/98/IR(DU) dated 26-4-1999 has referred the following dispute for adjudication to this tribunal :—

“ Whether the demands of the Rashtriya Mazdoor Congress (INTUC) against the management of Officer Commanding 50(1) Para Brigade, OFP c/o 56 A.P.O. as contained in the demand notice dated 5-8-1997 is legal or not? If so, what relief the workmen are entitled to ?

2. Having regard to the deep concern expressed at the last meeting held under auspicious of International Labour Organisation at Lucknow, regarding huge pendency of Labour matters in Central Government Industrial Tribunals-cum-Labour Courts, it was decided to hold LOK ADALAT for deciding the case on the basis of amicable settlement between the parties with a view to reduce pendency of cases. Before holding final LOK ADALAT it was also felt expedient to hold pretrial meeting for discussing the matter on its merit with the contestants.

3. In view of above, the present industrial dispute case was identified and ordered to be put up for mutual discussions between the contesting parties and for arriving at an amicable conclusion. The pretrial meeting held repeatedly. The case was discussed at length between the Officer Commanding and the representative representing the workmen in the presence of workmen involved in the case and Regional Labour Commissioner (Central) as well.

4. Ultimately on the last sitting of pretrial meeting at Agra the case was again discussed between the parties in presence of respective workmen involved in the case. Major Deepak Ahuja, Officer Commanding, for the Management informed the tribunal that the review committee had visited in last February and it has been appraised that some vacancy may be released for employment of civilian and in principle it has been agreed upon that the civil employees who had been disengaged will be given preferential chance against the new one of course subject to work done by them and such old civil employees will be employed against the released vacancy from time to time. The old employees shall be recruited on the basis of their old seniority and subject to their attaining superannuation and after completion of legal formalities. The management is also ready to move on the basis of orders passed.

5. Needless to mention that to the above proposal and the workmen were individually consulted and they are ready for the same. Sri Surender Singh representative for the workmen was also present in the pretrial meeting.

6. In view of above facts and circumstances discussed above now there remains nothing to be decided in the case and the present reference is decided as not pressed on the basis of proposal of the management and its acceptance by the respective workmen in last pretrial meeting.

7. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2004

का. आ. 1095.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर-पश्चिम रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अजमेर के पंचाट, (संदर्भ संख्या आई डी 2/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-04-2004 को प्राप्त हुआ था।

[सं. एल-41012/102/97-आई.आर. (बी.-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 7th April, 2004

S.O. 1095—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-2/98) of the Central Government Industrial Tribunal/Labour Court, Ajmer now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of North Western Railway and their workman, which was received by the Central Government on 6-4-2004.

[No. L-41012/102/97-IR (B-I)]

AJAY KUMAR, Desk Officer

अनुबंध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठासीन अधिकारी : अतुल कुमार जैन, आरएचजेएस

प्रकरण संख्या-सीएलसीआर-02/98

केन्द्र सरकार का रेफरेंस पत्र क्र. एल-41012/102/97-

आईआर (बी.-1) नयी दिल्ली-06-02-98

बाबूलाल पुत्र ज्ञानचंद जाति-कोली

निवासी-मकान नं. 139/150,

झलकारी नगर, अलवररोड, अजमेर

...प्राथी

बनाम

उत्तर पश्चिम रेलवे जरिये डिप्टी कंट्रोलर आफ स्टोर्स,
अजमेर

...अप्राथी

अधिवक्तागण : श्री नागेश शर्मा, प्राथी की ओर से।

: श्री बी. डी. भार्गव, अप्राथी की ओर से।

दिनांक : 20-3-04

निर्णय/अवाद

इस न्यायालय में वर्तमान रेफरेंस दि. 13-2-98 को प्राप्त हुआ था। रेफरेंस में हमें यह तय करना है कि क्या आज से लगभग अठारह वर्ष पूर्व दि. 6-5-86 को विपक्षी ने प्राथी को उचित एवं वैधानिक रूप से सेवा से टर्मिनेट किया? यदि नहीं तो प्राथी किस राहत को पाने का अधिकारी है?

इस प्रकार हम देखते हैं कि प्राथी रिट्रेंचमेंट के लगभग बारह वर्ष बाद अपना क्लेम लेकर न्यायालय में उपस्थित हुआ है। क्लेम प्रस्तुत करने के लिए कोई समय-सीमा निर्धारित नहीं है लेकिन इसका यह मतलब नहीं है कि श्रमिक जब उसकी नौद उड़े तब ही क्लेम लेकर हाजिर हो जावे। इसी प्रकार के आठ वर्ष पुराने मामले में माननीय राज. उच्च न्यायालय ने 2002 (1) आरएलआर 353 डीएफओ/रघुवर आदि में प्राथी का क्लेम गुणावगुण पर विचार किये बगैर केवल मात्र आठ वर्ष के अनुचित विलंब से पेश किया गया होने के कारण खारिज कर दिया था। 2000 (1) एससीसी 133 बलवीर सिंह/पंजाब रोडवेज में भी माननीय सर्वोच्च न्यायालय ने श्रमिक की एसएलपी खारिज करते हुए यह टिप्पणी की थी कि विलंब के आधार पर श्रमिक का क्लेम खारिज करके श्रम न्यायालय व उच्च न्यायालय ने कोई गलती नहीं की थी। 2000 (1) आरएलआर पेज 752 राजेन्द्र सिंह/यूनियन ऑफ इंडिया में भी क्लेम पेश करने में हुए विलंब को गंभीरता से लिया गया था। माननीय सर्वोच्च न्यायालय ने तो एआईआर 2000 सुप्रीम कोर्ट पेज 839 पैरा नं. 6 दी नेडुंगडि बैंक लि./के. पी. माधवन कुट्टी आदि में यहां तक कह दिया था कि सरकार को सड़े हुए तथा बासी क्लेम रेफर ही नहीं करने चाहिए। वर्तमान प्रकरण में भी क्लेम लाने में प्राथी ने बारह वर्ष का अनुचित विलंब किया है। अनुचित विलंब का कोई स्पष्टीकरण प्राथी के पास नहीं है। प्राथी का क्लेम विलंब मात्र के आधार पर खारिज होने योग्य है।

गुणावगुण पर भी देखें तो हम पाते हैं कि प्राथी का कहना है कि दि. 10-1-80 से वह विपक्षी के यहां डेली-वेजेज पर कार्य कर रहा था तथा दि. 6-5-86 को विपक्षी ने उसे चतुर्थ श्रेणी कर्मचारी/खलासी पद से गैर-कानूनी रूप से रिट्रेंच कर दिया। प्राथी का कहना है कि विपक्षी ने धारा 25एफ एवं 25जी औद्योगिक विवाद अधि. 1947 के प्रावधानों की पालना नहीं की, सेवामुक्ति बदले की भावना एवं बदले की नीयत से की गयी। प्राथी का यह भी कहना है कि खलासी की परीक्षा में वह पास नहीं हुआ था तो भी अनुसूचित जाति का व्यक्ति होने के कारण उसे उन्नत टैस्ट पास करने के लिए अतिरिक्त अवसर दिया जाना चाहिए था। प्राथी ने पिछले अठारह वर्ष के बैंक-वेजेज सेवा की निरंतरता के लाभ के साथ दिलाये जाने की एवं सेवा में पुनः बहाली की प्रार्थना की है। विपक्षी का कहना है कि प्राथी ने लगातार कार्य नहीं किया था। विपक्षी का यह भी कहना है कि खलासी की परीक्षा में प्राथी फेल हो गया तो उसे नियमानुसार धारा 25एफ के प्रावधानों की पालना के पश्चात् रिट्रेंच किया गया था। विपक्षी का कहना है कि प्राथी के मामले पर धारा 25जी लागू नहीं होती है।

अपने तर्क के समर्थन में प्राथी बाबूलाल के खुद के बयान कराये हैं। विपक्षी ने कोई गवाह पेश नहीं किया है। दस्तावेजी सबूत में प्राथी की ओर से प्रदर्श डब. 1 लगायत 28 पेश किये गये हैं तथा विपक्षी की ओर से प्रदर्श एम-1 लगायत 5 पेश किये गये हैं।

उल्लेखनीय है कि प्रदर्श डब. 7 लगायत 25 प्राथी ने खुद की दरखास्त लिखकर उसकी फोटो-कॉपी पेश कर दी है। इनमें से किसी भी दस्तावेज पर विपक्षी के प्राप्ति हस्ताक्षर या प्राप्ति का पृष्ठांकन आदि नहीं पाया जाता है। जाहिर है कि यह एकतरफा दस्तावेज प्राथी की कोई मदद इस क्लेम में नहीं कर सके हैं। प्रदर्श डब. 5 प्राथी के टर्मिनेशन की फोटो कॉपी है। प्राथी के अन्य दस्तावेजात प्रकरण में विवादित नहीं

हैं। प्रदर्श डब. 28 असफल समझौता प्रतिवेदन की फोटो कॉपी है। प्रार्थी ने खलासी की चयन-प्रक्रिया में पास नहीं होना स्वीकार किया है। अतः विपक्षी द्वारा पेश किये गये दस्तावेजात् प्रदर्श एम-1 लगायत 5 की विस्तृत विवेचना करना हमारे लिये आवश्यक नहीं रह जाता है।

प्रार्थी ने जिरह में लिखाया है कि उसे विपक्षी के अफसर ने रंजिश के आधार पर नौकरी से निकाला था। अफसर का नाम पूछने पर वह कहता है कि अफसर का नाम उसे पता नहीं है। रंजिश क्यों थी, उसे पता नहीं है। रंजिश की वजह से नौकरी से निकालने की शिकायत रेलवे को नहीं करना वह स्वीकार करता है। वह कहता है कि उसे तो केवल यह मालूम है कि वह खलासी की चयन प्रक्रिया में फेल हो गया था। प्रार्थी से कनिष्ठ श्रमिक यदि चयन प्रक्रिया में पास हो जाए तो उन्हें खलासी के पद पर नियुक्त किये जाने के औद्योगिक विवाद अधिनियम कोई अड़चन नहीं डालता है। प्रार्थी ने जिरह में यह भी स्वीकार किया है कि उसने अपने किसी भी पत्र में छंटनी का मुआवजा या एक माह का वेतन नहीं मांगा था, वह कहता है कि वह नौकरी पर वापस आना चाहता था इसलिए छंटनी का मुआवजा तथा एक माह का वेतन नहीं मांगा था। विपक्षी का कहना है कि प्रार्थी द्वारा पेश किये गये प्रदर्श डब. 5 के पैरा नं. 3 व 4 में स्पष्ट रूप से अंकित कर दिया गया था कि प्रार्थी एक माह का नोटिस-वेतन तथा छंटनी का मुआवजा डिवीजनल पे-कैशियर लोको नं. 2 के कार्यालय से प्राप्त कर लेवे। विपक्षी का कहना है कि प्रार्थी खुद उक्त रकम को लेने में आनाकानी करता रहा हो तो विपक्षी इसके लिए जिम्मेवार नहीं है। विपक्षी द्वारा इस प्रकार का भुगतान प्रस्तावित कर दिया जाना ही माननीय सर्वोच्च न्यायालय ने निम्न नजीर में धारा 25एफ आई.डी. एक्ट 1947 के लिए नियमों की पूर्ण पालना मानी थी :—2003 (एससीसी) (एल एंड एस) 545 प्रमोद झा आदि/स्टेट ऑफ बिहार।

इस प्रकार हम देखते हैं कि प्रार्थी के मामले पर धारा 25जी औद्योगिक विवाद अधि. 1947 लागू नहीं होती है। विपक्षी द्वारा आई.डी. एक्ट की धारा 25एफ की नियमानुसार पालना माननीय सर्वोच्च न्यायालय के प्रमोद झा वाले मामले में दिये गये निर्णय की भावना के अनुरूप पूरी तरह कर दी गयी थी। ऐसी सूरत में प्रार्थी इस क्लेम में विपक्षी से कोई अनुतोष प्राप्त करने का हकदार नहीं है।

तदनुसार प्रार्थी बाबूलाल कोली का यह क्लेम पूर्णतः खारिज होने योग्य है जो एतद्वारा खारिज किया जाता है तथा अवार्ड इस प्रकार पारित किया जाता है कि प्रार्थी इस रेफरेंस में इस न्यायालय से कोई अनुतोष प्राप्त करने का हकदार नहीं है क्योंकि वह अपने रिट्रैचमेंट को अवैधानिक होना प्रमाणित नहीं कर सका है।

अतुल कुमार जैन, न्यायाधीश

नई दिल्ली, 7 अप्रैल, 2004

का.आ. 1096.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 18/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-04-2004 को प्राप्त हुआ था।

[सं. एल-12011/27/2003-आई.आर. (बी. II)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 7th April, 2004

S.O. 1096—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 6-4-2004.

[No. L-12011/27/2003-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE SECOND LOK ADALAT PRESIDED
OVER BY SRI SURESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, 117/9,
SARVODAY NAGAR, KANPUR**

INDUSTRIAL DISPUTE NO. 18 OF 2003

The General Secretary
Bank of Baroda Employees' Association
Madhav Bhawan, 15/222, Civil Lines,
Kanpur

AND

The Regional Manager,
Bank of Baroda
(Varanasi Region) 177/1, Assi Road, Lanka
Varanasi (UP)

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12011/27/2003 I.R. B.-II dated 13-6-2003 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Bank of Baroda in imposing a recovery of Rs. 2,52,205/- from Shri I. G. Hindocha, Head Cashier, Lanka Branch, Varanasi on the ground of shortage of cash and other defects in the note packets counted and signed by him, is legal and justified? If not, what relief he is entitled to?

2. Having regard to the deep concern expressed at the last meeting held under auspices of International Labour Organisation at Lucknow, regarding huge pendency of Labour matters in Central Government Industrial Tribunals -cum- Labour Courts, it was decided to hold LOK ADALAT for deciding the case on the basis of amicable settlement between the parties with a view to reduce the pendency of cases. Before holding of final Lok Adalat, it was also felt expedient to hold pre trial meeting for discussing the matter on its merit with the contestants.

3. In view of above the present case was identified and was ordered to be put up for mutual discussions between the contesting parties and for arriving at an amicable conclusion in the case.

4. Ultimately on the last sitting of pre-trial meeting the case was discussed at length between the officers of

the management and the representatives of the workmen representing the present case in the presence of Regional Labour Commissioner (Central), Kanpur and it was agreed up to between the parties that the Union will not press the present case and on this understanding the representative for the Union made an endorsement on the statement of claim filed by the Union to the effect that the case is not pressed.

5. In view of the endorsement made by the representative for the Union in the last pre-trial meeting, the tribunal is left with no other option but to hold that the workmen involved in the present dispute are not entitled to get any relief pursuant to the present reference made to this tribunal.

6. Reference is accordingly answered against the workmen.

SURESH CHANDRA, Presiding Officer
नई दिल्ली, 7 अप्रैल, 2004

का. आ. 1097.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या आई.डी. 48/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-04-2004 को प्राप्त हुआ था।

[सं. एल-12012/302/2002-आई.आर. (बी.-I)].

अजय कुमार, डेस्क अधिकारी

New Delhi, the 7th April, 2004

S.O. 1097.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 48/2003) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of Hyderabad and their workman, which was received by the Central Government on 6-4-2004.

[No. L-12012/302/2002-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT LUCKNOW

PRESENT

SHRIKANT SHUKLA, Presiding Officer

I. D. No. 48/2003

Ref. No. L-12012/302/2002-IR (B-I) Dated : 29-4-2003

BETWEEN

Shri Surjit Kumar S/o Shri Ram Ratan,
C/o House No. 25/18, Canal Road,
Kanpur (UP)-208001

AND

The Branch Manager, State Bank of Hyderabad
25/18, Canal Road,
Kanpur (UP)-208001

AWARD

1. The Government of India, Ministry of Labour, vide their order No. L-12012/302/2002-IR (B-I) dated 29-4-2003 referred the following issue for adjudication to this Tribunal :—

“क्या ब्रान्च मैनेजर स्टेट बैंक ऑफ हैदराबाद द्वारा कर्मकार श्री सुरजीत कुमार पुत्र श्री राम रतन को सेवा में पुनर्नियुक्ति नहीं करके दिनांक 16-2-2001 से सेवा समाप्त किया जाना न्यायोचित है ? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है ?”

The workman's case in brief is that a branch of State Bank of Hyderabad (hereinafter referred to as the Bank) was going to be opened at Canal Road, Kanpur. The Manager of the said branch of the Bank at Kanpur appointed the workman as a temporary subordinate staff in the Branch from the day of opening of the Branch i.e. 6-2-1997. The workman was required to work from 10.30 AM and up till 8/8.30 PM on week days and 10.30 AM to 6/6.30 PM on Saturdays. The workman was not paid the prescribed salary of a peon in the Bank. Instead he was initially paid Rs. 20/- per day, which was later on raised to Rs. 45/- per day excluding Sunday and Holidays. In later period the payment were made by the Manager through Cash Vouchers on weekly basis and the workman used to receive his wages @ 270/- per week. However, looking to his good behaviour, the Manager of the Kanpur Branch recommended the case of the applicant for regular appointment in 1/3 scale of pay as per his letter dated 29-7-1998. The workman continued as temporary employee and in July 2000 when the Branch Manager of Kanpur Branch again recommended the case of the workman for absorption in permanent service of the Bank vide letter No. KNP/Recruit/169 dated 8-7-2000. Subsequently, the Bank's Regional Office, Region No. II, New Delhi appointed Sri Lalit Kumar as Peon-cum-Sweeper-cum-Lunch Food Attendant, ignoring the case of the applicant whose name was recommended twice by the Branch Manager, Kanpur Branch. Sri Lalit Kumar was appointed at Kanpur Branch of the Bank in June 2000. Even after allowing Sri Lalit Kumar to join duties in subordinate cadre the services of the workman were continued by the Bank until 15-2-2001 when his services were abruptly terminated by the Bank without assigning any reason, notice pay or retrenchment compensation. At the time of termination as well no letter of termination was given to the applicant. By doing so the Bank has committed breach of Section 25 F of the Industrial Disputes Act, 1947 as the workman had continuously worked for more than 240 days from 06-02-1997 until 15-02-2001. The workman has therefore, prayed that the

Court may declare that the termination of the workman by the Bank was illegal and unjustified and further prayed to issue a direction to the Bank for reinstatement of the workman into service with full back wages w.e.f. 16-02-2001 and other benefits of service as may be available to the workman in accordance with law.

The Bank has filed the written statement denying the allegations of the workman. The Bank has alleged that the workman resides in Kanpur and has lodged this claim against Kanpur Branch of State Bank of Hyderabad, so the cause of action does not arise at Lucknow which is outside the purview of jurisdiction of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow. The workman was engaged as casual labour on daily wages/on petty cash basis for attending petty works. It is further alleged that workman was not appointed by the Bank. It is stated that the employment in the Bank is through Employment Exchange. The appointment in Banks is made through proper channel. Branch Manager has no discretion to appoint anyone in any post. If there is a regular post in a bank demand will be made from Employment Exchange to send names of candidates for selecting suitable candidates. No appointment on regular basis was even made by the Bank. The services of the workman was engaged on casual basis remuneration has been received by him as agreed upon and nothing extra need be paid by the Bank. The branch manager has no authority to make appointment. As per Government circulars the post of peon is reserved for SC/ST. Bank has ultimately alleged that the workman is not entitled to any benefit such as reinstatement, back wages etc.

The workman has filed following documents in support of his case.

1. Photocopy of letter of Branch Manager addressed to Assistant General Manager, New Delhi No. KA/8/Asstt./352 dated 29-9-98.

2. Photocopy of letter Branch Manager addressed to Assistant General Manager, New Delhi No. F/KNP/RECRUIT/169 dated 8-7-2000.

The Bank has not produced any evidence in support of his case on the other hand the workman has examined himself.

Heard learned counsel of parties and perused the written argument submitted by the Bank.

The argument on behalf of the Bank is that Shri Surjit Kumar resides at Kanpur and seeking job in State Bank of Hyderabad of Kanpur Branch, so on points of jurisdiction this case is not maintainable at Central Government Industrial Tribunal-cum-Labour Court, Lucknow.

According to the Section 10 of the Industrial Disputes Act, 1947, it is the Government that has to refer the industrial

dispute to the industrial tribunal and once the case was referred for adjudication to the Central Government Industrial Tribunal-cum-Labour Court Lucknow, the workman had no choice to file his statement of claim at Kanpur. The workman was directed by the Government of India, Ministry of Labour to file his statement of claim at Central Government Industrial Tribunal-cum-Labour Court, Lucknow, therefore, the workman has not committed any jurisdictional error during filing of statement of claim at Central Government Industrial Tribunal-cum-Labour Court, Lucknow and I come to the conclusion that there is no jurisdictional error in filing of case.

The Bank has further argued that there was no employer employee relationship as the workman was casual labour. The nature of engagement of a workman does not change his status of being a workman of certain employer.

The Bank has tried to rely on 2002 (3) SCC 433 Nitin Kumar Nathalal Joshi and other v. Oil and Natural Gas Corporation Ltd. and others.

The above case law pertains to contract labour and not for casual labour employed by the Bank through the Branch Manager.

The second case law cited by the Bank is 2001 SCC (L&S) 1121 Steel Authority of India Ltd. and others v. National Union Waterfront Workers and others.

The second case law cited above is not relevant to the facts of the case.

The management has not filed any evidence to prove the facts that the Branch Manager is not having any authority to appoint a person in the Bank and has against that the workman has wrongly stated that his appointment was in clear [copy illegible] petty cash basis for attending petty work. If there is regular post in a Bank demand will be made from Employment Exchange to send names of candidates for selecting suitable candidates.

The workman has proved that he worked continuously from 06-02-97 to 15-02-2001 for 4 years and there has been no break in his service. This fact has not been denied in the written statement nor the evidence of the workman has been rebutted by the Bank. From the pleading it is clear that the workman was engaged as Daily Wager for the aforesaid period which goes to prove that he worked for 240 days in every calendar year. It has not been proved that the Branch Manager has no authority of engaging Daily Wager in the Branch of which he was the Manager. It is also not denied that the workman in the later part of his service was earning Rs. 45 per day. The workman has corroborated in a quarry from the Court that in every calendar year he worked more than 240 days. He also stated that he was not given any leave. The Bank has not alleged that the workman was given compensation or notice before disengagement.

According to the Section 25F of the Industrial Disputes Act, 1947, no workman employed in any industry who has been in continuous service for not less than one year an employer shall be retrenched by that employer until the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice.

Hon'ble Supreme Court has observed in case law 2002 SCC (L&S) 1010 Deep Chandra v. State of U.P. and another as follows :

"The High Court lost sight of the point in issue that when an employee had put in service for more than 240 days in each year for several years whether his services can be put to an end without following the procedure prescribed under Section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be reinstated in his original service on the same terms and conditions in which he was working earlier. If this is the position in law, we fail to understand as to how the High Court could have interfered with the award made by the Labour Court."

There is clear violation of Section 25-F of the Industrial Disputes Act, 1947 and therefore, I am of the considerate opinion that the termination of the workman, Surjit Kumar w.e.f. 16-2-2001 is illegal. The issue is decided in negative against the Bank.

Coming to the relief sought by the workman, it is admitted that the workman is a Daily Wager and gets the wages when he serves. It also effects that the workman works only on the working days and not on the holidays. It has not been suggested by the Bank that the workman was gainfully employed elsewhere. In the peculiar circumstances of the case it has to work out as how many actual working days come a year and it is also difficult to workout as to how many days the workman shall be available for work. Therefore, in the fitness of the back wages it will be proper to order the payment of Rs. 15,000 in lieu of his back wages. The employer is directed to reinstate the workman in the original status of a Daily Wager and to pay minimum prescribed wages within two months of notification of award. The employer shall also pay Rs. 15,000 towards back wages within two months of date of notification of award and in default it is directed to pay interest at the prevailing rate of interest or @ 9% whichever is higher.

Lucknow

29-3-04

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2004

का. आ. 1098.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, क्षेत्रीय भविष्य निधि आयुक्त प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ (संदर्भ संख्या 145/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-04-2004 को प्राप्त हुआ था।

[सं. एल-42012/12/2001-आई.आर. (सी.एम.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 7th April, 2004

S.O. 1098.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 145/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of Regional Provident Fund Commissioner (U.P) and their workman, received by the Central Government on 6-4-2004.

[No. L-42012/12/2001-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT LUCKNOW

PRESENT

Shrikant Shukla, Presiding Officer

I. D. No. 145/2001

Ref. No. L-42012/12/2001/IR (CM-II)

dated 5-9-2001

BETWEEN

Sri Amar Singh S/o Late Shyam Lal
Flat No. 28, Kajran ka Purwa,
Juhi Goushala, Kanpur

AND

The Regional Provident Fund Commissioner
(U.P.) Regional Office, Nidhi Bhawan,
Sarvodaya Nagar, Kanpur

AWARD

1. The Government of India, Ministry of Labour vide their Order No. L-42012/12/2001-IR (CM-II) dated 5-9-2001 has referred following issue for adjudication to this Tribunal :—

"Whether the action of the Regional Provident Fund Commissioner (U.P.) Kanpur in Terminating the services of Sri Amar Singh S/o Shyam Lal w.e.f. Nov. 1987 is legal and justified? If not, to what relief the workman is entitled to?"

The worker's case is that in consequent upon the death of Shyam Lal Peon his son Sri Amar Singh was appointed as Peon on compassionate ground vide letter

No. 5852/G/II/16 (Peon) dated 20-9-75. Although he was appointed as Peon but he was required to work as Gardner, Plumber. He continued to work till Nov. 1987 but thereafter he was laid off. Further the worker has stated in statement of claim that after persuasion he was asked to work as Gardner from April 1986 to Nov. 1987 and he was issued the certificate also. Subsequently whenever he tried to give any application the same was received but no acknowledgement was given. The worker has accordingly prayed that it may be declared that the termination order of Nov. 1987 is illegal and order be passed that the worker has been continuously in service and worker should be given seniority besides ordering compensation for economic losses he has suffered.

The opposite party has admitted to the extent that consequent of the death of Sri Shyam Lal his son Amar Singh was appointed as Peon on compassionate grounds on temporarily and adhoc basis w.e.f. Sept. 23-9-1975. During the period of probation he was irregular in attendance and failed to discharge his duties to the satisfaction of the competent authority. His services were terminated with effect from 24-8-76. Several times the representations were received and his case was referred to Head Office. As per the Govt. Rules/instructions, his case has not been considered favourably. It is further stated that Amar Singh was in habit of absenting himself from duty without maintaining application for which memos were issued to him but all these yielded no results and as such it was in the interest of the organisation not to retain him in service and his services were terminated by Regional Provident Fund Commissioner. It is also stated that Amar Singh after termination worked in the office as contingent daily rated paid Mali from May 86 to Nov. 87 except Sept. 87 when he worked as contingent Peon. He had never worked as Plumber in the office. Since contingent paid employees were engaged for the particular work as per requirement their services were continued till the work finished. Therefore during the period May 86 to Nov. 87 he worked as Mali/plumber on contingent basis. In termination of services during 1976, the copy of the order was sent by Registered Post to him. As regards termination of service while he was working as contingent paid employee, there was no requirement to issuing any order of termination of service. As contingent paid employees are paid wages for the day they are engaged for the work and marked attendance. The management has alleged that the contention of the claim is totally baseless and has prayed that the worker's application be dismissed with cost.

The worker has filed affidavit in support of his statement of claim together with following documents

1. Photo copy of experience certificated dt. 21-11-86, 28-12-87
2. Photo copy of forwarding letter of Personal Secretary of State Minister for Labour and Employment address to Amar Singh dt. Nil.

3. Photo copy of letter of Employees Provident Fund Organisation dt. 1-10-93 address to the worker.
4. Photo copy of ST certificate regarding worker.
5. Photo copy of forwarding letter of Additional Private Secretary for the Minister of Communication, Govt. of India, dt. 4-9-93 address to P.F. Commissioner, New Delhi.
6. Photo copy of letter of Asstt. Commissioner, Regional Provident Fund Commissioner, Kanpur dt. 15-11-99. Certain Photographs. (Photostat copies)
8. Photo copy of postal receipts regarding sending some registry to Sri N. D. Devgora, Kendriya Bhavisha Nidhi Ayukt etc.

Although in the list the worker has mentioned the copy of letter address to Mr. Rajiv Gandhi and photo copy of other registered letter but the same has not been filed by the worker.

The opposite party has filed affidavit of Sr. P.N. Lal Srivastava, Regional Provident Fund Commissioner-II, posted in the Office of Regional Provident Fund Commissioner Kanpur and following photo copies filed;

1. Appointment letter dt. 20-2-75
2. Termination order dt. 24-8-76.
3. Attendance of work done in the department on contingent basis.

Sri Daya Ram, Asstt. Provident Fund Commissioner has filed rejoinder of cross examination of Amar Singh. The parties have cross examined the witness of each other. Heard learned counsel of the parties and peruse the evidence on record.

It has been argued on behalf of the workman that the worker has continuously worked from 20-9-75 to Nov. 1987 continuously without break and in the month of Nov. 87 he was terminated without any prior notice or compensation and accordingly management has violated the provision of section 25F of the I.D. Act. 1947.

First of all it has to be decided wither the worker continuously worked from 20-9-75 to Nov. 87 as argued by the Learned Representative for the workman. The worker himself has not filed and document regarding appointment in regard to his continous service from 20-9-75 to Nov. 87. The worker has withheld the appointment letter issued to him.

On the other hand the management has pleaded that the worker was appointed as peon on compassionate ground on purely temporary adhoc on 23- Sept. 75 but during the period of probation he was irregular in attendance and failed to discharge his duties to the satisfaction of the competent authority and therefore his services were terminated w.e.f. 24-8-76. The management has filed the photo copy of appointment letter paper no. 8/2 and termination letter i.e. paper no. 8/3. It is specifically

mentioned in first paragraph itself that having been selected for appointment by the department of selection committee of this office Sri Amar Singh is offered a temporarily post of Peon in this office in the following terms and conditions;

1. The post temporary but is likely to be continued.

He will be on probation for two years from the date of joining the post which may be extended at the discretion of the competent authority to complete the period of probation to the satisfaction of the competent authority will render him liable to discharge from the post of peon.

- ii. _____
- iii. _____
- iv. _____
- v. During the period of his/her services he/she may be terminated at any time without any reason being assigned.
- vi. _____
- vii. He/She should submit a declaration in the form enclosed and in the event of his having more than one wife/husband living, the appointment is subject to his/her being exempted from the enforcement of the requirements in this behalf.
- viii. _____
- ix. _____
- x. _____
- xi. The appointment will take effect from the date he/her actual joins and will continue until further orders.
- xii. After joining he/she required to acquaint himself/herself through with the provisions contained in the Central Civil Service (Conduct) Rules 1955 and as amended from time to time, so then intentional or unintentional breach of rules may not occur.
- xiii. _____
- xiv. _____

Since the worker has with held the original appointment letter issued to him. It is believed that the appointment letter filed by the management is the genuine one. It is further note worthy that Sri Daya Ram has proved by affidavit that he is Asstt. Provident Fund Commissioner in the office of Regional Office, Kanpur and he has also proved that Sri Amar Singh was appointed to the post of Peon on compassionate ground but on purely temporary adhoc basis vide letter No. 5852/Gr. II /16 (Peon) dated 20-9-75 and kept on probation for 2 years from the date of joining as per E.P.F. Staff and Conditions of service regulation 62 and conditions stipulated in the offer of appointment.

Sri Daya Ram Asstt. Provident Fund Commissioner has also proved that failure to complete the probation to the satisfaction of competent authority worker had rendered him liable to be discharged from the post of Peon. He has also proved that during the period of probation from 23-9-75 to 24-8-76 he was found irregular in attendance as per the statement of absence already submitted in

Tribunal vide annexure annexed with counter affidavit dated 20-12-2001.

Sri Daya Ram, has stated in the cross examination that the appointment letter which was issued in 1975 the same was delivered to Sri Amar Singh and the photo copy of the said appointment letter is on record i.e. paper no. 8/2. He has also stated that in this appointment letter this fact is specifically mentioned that his appointment was temporary and was for a probation of 2 years. In the cross examination itself he stated that according to the appointment letter dt. 20-2-75. The probation was to complete on 23-9-77 and he was terminated thereafter. He has also proved the photo copy of termination order. The worker in his cross examination denied that he was terminated in 1976. No additional evidence has been filed by the worker to prove the fact that he was in the employment after the termination of services vide order dated 24-8-76. It can not be said that the office of Regional Provident Fund Commissioner has forged the appointment letter and the termination order. Had he continued in the service thereafter he could have obtained the service certificate as has been obtained by him on 29-11-86 and 28-12-87.

On the basis of the above I come to the conclusion that the worker was appointed on compassionate ground as temporary Peon on a probation of 2 years vide appointment letter dt. 20-9-75 and subsequently he was terminated from services on 24-8-76 and the worker fail to rebue challenge the aforesaid termination order in any tribunal or any competent authority and the said matter can not be agitates by him and can not be decided under the issue referred to the court. This is clear that the worker was terminated when he was temporary appointed peon on, 24-8-76. Thus facts remain that he was initially appointed vide order 20-9-75. This court is not expected to give its findings about the said termination order dated 24-8-67 about its legality and justification. The worker has fail to prove that he continuously worked from 20-9-75 to Nov. 1987. The worker has tried to take the help of the case law 2001. (91) FLR 289 (Allahabad High Court) Kamlesh Kumar Pandey and State of U.P. and others decided in Civil Misc. Writ Petition No. 30483 of 2001 on 16th August, 2001 and has argued that the Peon should not be treated as a temporary employee on the basis of his appointment letter. Hon'ble High Court while disposing the writ petition has observed that even otherwise. It is now well settled through several decisions of the court that appointment under dying in harness rules on compassionate ground should not be for short term or on temporary basis. This court has held time and again that compassionate appointee is not to be left on the mercy of the authorities offering employment.

The said case law does not cover the employees who have been appointed who are governed by the Employees Provident Fund (Staff and Conditions of Services) Regulations 1962.

Photo copy of certificate which has been filed by the worker about his working from May 1986 to Nov. 87 makes it clear that during that period he was not a regular worker, but he was on daily wager. This makes it clear that before May 1986 he was not working as temporary peon. This facts also corroborate the fact of the management of Regional Provident Fund Commissioner that he was terminated vide order dated 24-8-76.

The management has proved during the period of probation period the worker absented in the following manner:

16-2-76 to 28-2-76	13 days
3-3-76 to 6-3-76	04 days.
7-3-76 to 8-3-76	02 days EOL without Medical certificate
12-3-76 to 22-3-76	11 days EOL
2-4-76 to 30-4-76	29 days with Medical Certificate EOL
1-5-76 to 28-5-76	28 days with Medical Certificate EOL
16-6-76	01 day EOL
21-6-76	01 day EOL
25-6-76	01 day EOL
1-7-76 to 9-7-76	09 day EOL
10-7-76 to 9-7-76	10 days with Medical Certificate EOL
26-7-76	01 day EOL
2-8-76 to 22-8-76	22 days EOL

It is admitted fact that the worker has worked on daily wage basis in the following manner :

Month	No. of Days
May 1986	19 days
June 1986	28 days
July 1986	31 days
Aug. 1986	28 days
Sept. 1986	28 days
Oct. 1986	29 days
Nov. 1986	27 days
Dec. 1986	16 days
Jan. 1987	20 days
Feb. 1987	20 days
March 1987	13 days
April 1987	NIL
May 1987	15 days
June 1987	NIL
July 1987	11 days
Aug. 1987	19 days
Sept. 1987	22 days
Oct. 1987	17 days
Nov. 1987	29 days

According to the evidence on record the workman has worked as Mali on daily wage basis from May 1986 to March 1987 but was not engaged for work in April 1987. It is also made out from the evidence that the worker did work in May 1987 but was not engaged in June 1987. It is also made out from the evidence on record that he worked from July 1987 to Nov. 1987. Thus it is clear that the worker has not worked for 12 months in one calendar year Breeding his terminates. No appointment letter has been filed for his engagement from May 1986 and similarly no termination order has been filed to show that he was terminated on particular date in Nov. 1987. Section 25B of the I.D. Act. explains the term of continuous service which read as under;

SECTION 25-B

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out of a cessation of work which is not due to any fault on the part of the workman;
- (2) Where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employee—
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days in any other case.
 - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) ninety five days, in case of a workman employed below ground in a mine; and
 - (ii) one hundred twenty days, in any other case.

The Hon'ble Supreme Court in Range Forest Officer and S.T. Hadimani published in 2002 (94) FLR 622 has ruled that it is for the workman to lead evidence to show that he had in fact worked for more than 240 days and has held that it was for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Worker has not mentioned specific date in Nov. 87 when he was terminated. According to the evidence on record the worker had worked for 29 days in Nov. 87. In the month of calendar usually are 30 days meaning thereby that the worker worked for 29 days out of 30 days. From the record it is borne out that the worker had worked in the

preceding calander year of termination i.e. from Dec. 1986 to 30 Nov. 87 for 182 days. It is much below from 240 working days. It can not be said that he was a regular employee who had Earned Leave or was absent due to learner temporary disablement. In fact the worker was a casual worker on daily wage basis. Therefore worker ought to have prove that in fact he had worked for 240 days in the year preceding his termination. From the evidence above I come to the conclusion that the worker was not in the continuous service of one year preceding his termination and in the circumstances the provision of section of 25F of I.D. Act is not attracted as he is not able to prove his continuous service of 240 days prior to his termination.

It is noteworthy that according to the management Sri Amar Singh was engaged on daily basis from May 86 to Nov. 87 and he was paid wages for working days only as per details mentioned above. He was entitled to the wages @ mentioned in the certificates issued by the opposite party. He was not entitled to any leave etc. The worker has not been able to prove that he has received salary for days he has not worked.

Hon'ble High Court, Allahabad in the case between State of U.P. and Labour Court, Haldwani and others has held that employment of the casual worker/daily wager being on day to day basis the same came to an end every evening and there was fresh employment every next day therefore refusal to employee him from particular day did not amount to retrenchment so as to attract the provision of section 25F of the I.D. Act.

The representative of the opposite party has also argued that the Regional Provident Fund Commissioner Office is not a industry and it is a Central Government organisation in which the worders are recruited as per the government rules/instructions. There are prescribed rules for recruitment and the labour court can not be allowed to use as means for back door entry in the service. No other argument was pressed.

On the discussions above I come to the conclusion that the worker has concocted the story that he was recruited as Peon on 20-9-75 to Nov. 87. In fact the worker was appointed by the order dt. 20-9-75 and thereafter he was terminated vide order dt. 24-8-76. The worker has not complained against the said termination order. The worker was engaged in May 86 daily wager @ 14/-per day and he was dis-engaged in Nov. 87 and the worker has not completed 240 days in the preceding calander year and therefore he was not entitled to any compensation or notice as result of his dis-engagement. In fact there was no regular appointment order issued for daily wager work and no dis-engagement order was issued. Therefore the question of termination does not arise. Rather he was dis-engaging in Nov. 87 which is not illegal or unjustified and accordingly the worker is not entitled to any relief as claimed by him. The issue is answered accordingly.

Lucknow

16-3-2004

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2004

का.आ. 1099.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, न्यूक्लियर फ्यूल कॉम्प्लेक्स प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या एल. सी.आई.डी. नम्बर 71/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-04-2004 को प्राप्त हुआ था।

[सं. एल-22013/1/2004-आई.आर.(सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 7th April, 2004

S.O. 1099.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 71/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial Dispute between employers in relation to the management of Nuclear Fuel Complex and their workman, which was received by the Central Government on 06-04-2004.

[No. L-22013/1/2004-IR(C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT: Shri E. Ismail, B.Sc., LL.B.,
Presiding Officer

Dated the 10th day of March, 2004

Industrial Dispute L.C.I.D. 71/2002

BETWEEN:

Shri M. Ramesh,
S/o M. Kodandaram,
R/o 9-323/11, Bhaghyanager Colony,
Kushaiguda, Hyderabad

....Petitioner

AND

1. The Chief Executive and
Disciplinary Authority,
Nuclear Fuel Complex,
Government of India,
Atomic Energy Department,
ECIL post, Hyderabad.

2. The Secretary,
DAE/Appellate Authority,
N.F.C., C.S.M. Marg,
Mumbai.

.... Respondents

APPEARANCES :

For the Petitioner : M/s. P. S. Manjula Kumar,
Ali Abbas Kashnai, J.
Mahesh Kumar,
Advocates

For the Respondent : Sri K. Suryanarayana,
Advocate

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts are : That the Petitioner was appointed as Tradesman 'A' in the year 1979 and put in record of service till he was illegally removed by the Respondent company by an order dated 12-8-97. The appeal was rejected. The brief facts are that his uncle was expired and consequently his health was effected due to heavy strain for which he was absent for 6 days i.e., from 23-10-96 to 29-10-96. The company directed the Petitioner to the Panel Doctor Sri R.A. Rao and the said Doctor has diagnosed as mumps and hypertension and treated but the Petitioner did not find any improvement. He approached Dr. K. Krishna Rao, Government Medical Officer for MCH dispensary who diagnosed that Petitioner was suffering with ineffective Hepatitis-B and the said Doctor treated the Petitioner and advised to take bed rest till he recover completely which took 82 days from 22-1-97 to 15-4-97. The same was informed to the Sr. Manager, NFC. Finally he recovered and he reported to duty with medical certificate and fitness certificate dated 16-4-97. First Respondent failed to consider the same. A show cause notice of removal dated 12-8-97 was given and he was dismissed. The appeal has also been dismissed on 13-1-98. That he was removed without conducting any enquiry during the suspension period he was not paid any subsistence allowance. That he was drawing Rs. 3,800/- on the date of removal. He could not get any other employment inspite of his best efforts. Hence, he may be reinstated with continuity of service, with full back wages along with other benefits on humanitarian grounds.

3. A counter was filed with the following averments. That the Petitioner was appointed as Tradesman 'A' w.e.f. 31-12-79 and was removed w.e.f. 28-2-1994 for his irregular attendance and was re-appointed afresh to the post of Tradesman 'A' and dismissed from service on 12-8-97. that the jurisdiction in respect of any service matter or recruitment to a civil post under the Union Government vests with Central Administrative Tribunal.

4. The Petitioner was irregular in his attendance for several occasions and used to absent himself unauthorisedly from duties without prior approval or intimation. His frequent absence without prior permission caused disruption of work. Many times he was advised to show improvement in his attendance and also to obtain prior permission or to get leave sanctioned before proceeding on leave. He was also advised to appear before medical Board for medical check-up in case of any health

problems which he did not attend. The complex is engaged in the production of nuclear fuel and other important components required for the Atomic Energy Programme of this country and the discipline and regular attendance of the workmen are of utmost necessity and any insubordination cannot at all be countenanced. Keeping in view the leave was refused. He has already gained the following punishments. (A) withholding of increment for a period of one year without cumulative effect vide order No. NFC/PA. V/2606/3437/1689 dated 15-1-985. (B) withholding of one increment for a period of one year with cumulative effect and cautioned vide order No. NFC/PA. V/2606/3437/595 dated 8-8-87. (C) Reduction of pay by three stages from Rs. 1150/- to Rs. 1090/- for a period of two years (will not earn increments and reduction will not have the effect of postponing future increments) vide order No. NFC/PA. V/2606/3437/125 dated 4-11-91. (D) Reduction of pay by five stages from Rs. 1090/- to Rs. 990/- for a period of three years (will not earn increments and reduction will have the effect of postponing future increments) vide order No. NFC/PA. V/2606/3437/256 dated 23-6-92. In spite of the penalties imposed as stated above, he had not shown any improvement in his attendance and the Petitioner was removed from service vide order No. NFC/PA. V/2606/3437/784 dated 28-2-92. The Petitioner represented to consider for appointment vide letter dated 26-4-94 as he has to shoulder a large family consisting of wife and three children and he had no other source of income. That he was given a chance, he will perform the duties with devotion and punctuality. Considering the indigent circumstances only the Petitioner and his family members were placed, his request was considered and he was appointed afresh to the post of Tradesman 'A' w.e.f. 7-5-94 and was placed under probation for a period of one year extended by another six months from 7-5-95 to 6-11-95. There have been several complaints regarding his irregular attendance from his superiors. Hence, disciplinary action was initiated against the Petitioner and he was dismissed from services, which was confirmed by appellate authority.

5. That the Petitioner have absented from duties from 23-10-96 to 29-10-96 and from 6-11-96 to 16-4-97. He was directed vide memoranda dated 5-12-96 to report for duty and informing him of the consequences of unauthorized absence. He was also directed to report to the Senior Medical Officer for a thorough check-up if he was sick. He has neither reported for check up nor reported for duty until 16-4-97. On 17-4-97 he has reported to duty with two leave applications one for 16 days HPL from 6-11-96 to 21-11-96 mentioning the reason 'uncle expired' and the other for 145 days EOL from 22-11-96 to 15-5-97 with suffix 16-4-97 on medical grounds. He has also submitted one more leave application dated 24-4-97 for seven days HPL from 23-10-96 to 29-10-96 mentioning the reason 'urgent domestic work'. In spite of removal of service he has not mended his ways. Therefore, he does not deserve any relief.

6. No domestic enquiry was conducted. The Petitioner examined himself as WW1 and deposed that he joined the company on 31-12-79. He was illegally dismissed

by the Company on 12-8-97. Ex. W1 is the Xerox copy of the medical certificate dated 16-5-97. Ex. W2 is the copy of medical certificate dated 1-1-97. Ex. W3 is the copy of medical certificate dated 22-12-96. Ex. W4 is another Xerox copy of medical certificate from 1-1-97 to 21-9-97. Ex. W5 is leave application dated 17-12-97. Ex. W6 is another application dated 17-4-97. Ex. W7 is another application dated 24-4-97. Ex. W8 is the memorandum of charges dated 16-5-97. Reply is dated 15-6-97. No enquiry was conducted and he was dismissed from service vide order dated 12-8-97 received by him on 18-8-97 vide Ex. W9. He preferred appeal vide Ex. W10 dated 27-9-97. The appeal order is 13-1-98, which is Ex. W11. the first spell of absence was due to the fact that his Paternal Uncle expired, the second spell of his absence was due to the fact that he was suffering from Hepatitis 'B' and Jaundice. The dismissal without enquiry is wrong. In the cross examination he deposed that he was first appointed in 1979. That he was dismissed on 12-8-97 for irregular attendance. He denied that he is a chronic absentee.

7. Sri A. Papachan, Administrative Officer, NFC was examined as MW1. He deposed that the Patitioner was appointed on 31-12-79 and dismissed from service on 28-2-94 for his irregular attendance and was reappointed afresh to the post of Tradesman 'A' w.e.f. 7-5-94 and again dismissed on 12-8-97. That he is irregular since 1981. He was given the following punishments : (A) withholding of increment for a period of one year without cumulative effect vide order No. NFC/PA. V/2606/3437/1689 dated 15-1-85. (B) with holding of one increment for a period of one year with cumulative effect and cautioned vide order No. NFC/PA. V/2606/3437/595 dated 8-8-87. (C) Reduction of pay by three stages from Rs. 1150/- to Rs. 1090/- for a period of two years (will not earn increments and reduction will not have the effect of postponing future increments) vide order No. NFC/PA. V/2606/3437/125 dated 4-11-91. (D) Reduction of pay by five stages from Rs. 1090/- to Rs. 990/- for a period of three years (will not earn increments and reduction will have the effect of postponing future increments) vide order No. NFC/PA. V/2606/3437/256 dated 23-6-92 and again he started the same. Therefore the Patitioner is not entitled for any relief.

8. In the further chief examination he deposed that Ex. M1 is the dismissal order dated 28-2-94. The Patitioner preferred an appeal which was confirmed vide Ex. M2 dated 25-4-94. Ex. M3 is a letter from Ramesh dated 26-4-94 for appointment. Ex. M4 is dated 30-4-94 through which he was again appointed in the initial pay Rs. 950-20- etc. as Tradesman 'A' on temporary basis. Ex. M5 is the enquiry notice dated 16-5-97 in accordance with the charge sheet. In the cross examination he deposed that the witness admitted vide Ex. M20 dated 15-6-97 all the charges although it is not mentioned in the counter. He denied that no reason is mentioned in the order for dispensing with the enquiry. That Ex. M20 is not given by the Patitioner and it is fabricated subsequently for the purpose of this case. He denied Ex. M24 is created.

9. It is argued by the Learned Counsel for the Patitioner that he was not allowed to join. Whatever be

his previous conduct, the absence was due to the death of his Paternal Uncle and he has fallen sick, which is supported by medical certificates. No second show cause notice is given. Lot of prejudice is caused to him by not holding enquiry. Although he was appointed as a fresh candidate but his past absenteeism was taken into consideration for his dismissal. Hence, he submit that he may be reinstated with all benefits.

10. The Respondent argued that it is a civil post. Therefore, this petition is not maintainable. He has been given four punishments ultimately, dismissed, again re-appointed and again he continued to same problem. The Patitioner as WW1 has also admitted categorically that all the four punishments were given for his irregular attendance. He also admitted that he did not give any prior intimation of his absence and he produced the medical certificate only at the time of reporting to duty. From Ex. M20 it is clear that the Patitioner categorically admitted all the charges. The Patitioner has not taken any lessons from his past conduct. Hence, the petition may be dismissed.

11. It may be seen that no domestic enquiry has been conducted in the case to find out whether his absence was genuine or not. No doubt apparently seeing his past history of withholding of one increment, one increment, reduction of pay by three stages, reduction of pay by five stages and dismissal on 28-2-94 for absenteeism and his representation in this case. There is Ex. M20 wherein he has categorically admitted the articles of charge of annexures I, II and III which is framed against him. That is why perhaps no enquiry was conducted. But he says that he was sick due to medical grounds that there was little delay, so his case may be considered. No doubt in all circumstances from his previous conduct it can be safely concluded perhaps this time also it is his mistake. Yet principles of natural justice demand that he should have been given a chance by holding a regular enquiry. As inspite of his dismissal he was appointed afresh to the post of Tradesman 'A' w.e.f. 7-5-94. As no enquiry is conducted, I am of the opinion that no doubt in all circumstances he might have been guilty, yet as he was not given any chance by holding an enquiry, he is directed to be posted as Tradesman 'A' and his dismissal order dated 12-8-97 is set aside. However, he will not be entitled for any back wages. He shall be reinstated within 30 days after publication of this Award, failing which he shall be entitled for wages as paid to him for July, 1997 after 30 days from the publication of this Award. He will be reinstated as Tradesman 'A' on the last pay drawn in the month of July, 1997 and his services will be calculated from 7-5-94 for the purpose of terminal benefits only and the absence from 7-5-94 till he is reinstated shall be treated as leave on loss of pay.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 10th day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

WW1 : Sri M. Ramesh MW1 : Sri A. Pappachan

Documents marked for the Petitioner

- Ex W1 : Copy of medical certificate dt. 16-4-97
 Ex W2 : Copy of medical certificate dt. 1-1-97
 Ex W3 : Copy of medical certificate dt. 22-12-96
 Ex W4 : Copy of medical certificate for the period from 1-1-97 to 21-1-97
 Ex W5 : Copy of leave application dt. 17-4-97
 Ex W6 : Copy of leave application dt. 17-4-97
 Ex W7 : Copy of leave application dt. 24-4-97
 Ex W8 : Memo of charges dt. 16-5-97
 Ex W9 : Dismissal order dt. 12-8-97
 Ex W10 : Copy of appeal against Ex. W9
 Ex W11 : Order of appellate authority dt. 13-1-98

Documents marked for the Respondent

- ExM1 : Copy of order No.NFC/PA. V/2606/3437/184 Dt. 28-2-94
 ExM2 : Copy of order No.NFC/PA. V/2606/3437/824 dt.25-4-94
 ExM3 : Copy of representation of WW1 dt.26-4-94
 ExM4 : Copy of appointment order No.NFC/PA/03/004(A)/443 dt.30.4.94
 Ex. M 5 : Copy of memo No. NFC/PA. IX/1(01)/3437/893 dt.16-5-97
 Ex. M 6 : Copy of order No.NFC/PA. V/2606/3437/1689 dt.15-1-85
 Ex. M 7 : Copy of order No.NFC/PA. V/2606/3437/595 dt.8-8-97
 Ex. M 8 : Copy of order No.NFC/PA. V/2606/3437/125 dt.4-11-91
 Ex. M 9 : Copy of order No.NFC/PA. V/2606/3437/256 dt. 23-6-92
 Ex. M10 : Copy of report No.NFC/MZFC/56/90/3437 dt.17-12-96
 Ex. M11 : Copy of memo No.NFC/MZFC/3437/96 dt. 5-12-96
 Ex. M12 : Copy of memo No.NFC/MZFC/3437/96 dt. 26-12-96
 Ex. M13 : Copy of postal ack. of Ex. M12.
 Ex. M14 : Copy of leave application of WW1 from 23-10-96 to 29-10-96
 Ex. M14A : Copy of reverse side of Ex. M14
 Ex. M15 : Copy of leave application of WW1 from 6-11-96 to 21-11-96
 Ex. M15A : Copy of reverse side of Ex. M15
 Ex. M16 : Copy of leave application of WW1 from 22-11-96 to 15-4-97
 Ex. M16A : Copy of reverse side of Ex. M16
 Ex. M17 : Copy of medical certificate dt. 11-4-97
 Ex. M18 : Copy of medical certificate dt.21-1-97
 Ex. M19 : Copy of medical certificate from 21-11-96 to 31-12-96

- Ex. M20 : Copy of explanation to the memo by WW1 dt. 15-6-97
 Ex. M21 : Copy of order No.NFC/PA. IX/1(01)/3437/1014 dt.12-8-97
 Ex. M22 : Copy of order No.6/2(35)/97-I&M(NFC)/95 dt.13-1-98
 EXM23 : Copy of Ir.No.NFC/MZFG/PF/3437/97 dt. 24-4-97
 Ex. M24 : Original of Ex. M20.

नई दिल्ली, 7 अप्रैल, 2004

का.आ. 1100.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, भारतीय खाद्य निगम प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल.सी.आई.डी. नम्बर 114/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-4-2004 को प्राप्त हुआ था।

[सं. एल-22013/1/2004-आई. आर (सी.-II)]

एन. के. केशवन, डेस्क अधिकारी

New Delhi, the 7th April, 2004

S.O. 1100.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 114/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 6-4-2004.

[No. L-22013/1/2004-IR(C-ID)]

N.P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT HYDERABAD**

PRESENT : SHRI E. ISMAIL, B.Sc., LL.B.
Presiding Officer

Dated the 13th day of March 2004

Industrial Dispute L.C.I.D. 114/2002

(Old I.D. No. 37/96 Transferred from Industrial Tribunal-cum-Labour Court, Guntur)

BETWEEN:

Shri Sk. Klaja Vali,
C/o K. Balagopal,
Advocate,
304, Kiran Apartments,
Red Hills, Hyderabad.

...Petitioner

AND

1. The District Manager,
Food Corporation of India,
Main Raod, 10th line,
Arundelpet, Guntur.
2. The Senior Regional Manager,
Food Corporation of India,
Regional office,
Hyderabad.

.... Respondents

APPEARANCES:

- For the Petitioner : Sri K. Balagopal, Advocate
 For the Respondent : M/s. B.G. Ravindra Reddy,
 P. Srinivasulu & B.V.
 Chandrasekhar, Advocates

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Guntur in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I. D. No. 37/96 and renumbered in this Court as L.C.I.D. No. 114/2002. A Nil Award has been passed by this Court dated the 4th December, 2002 for default. Later, the Petitioner filed petition dated 23-1-2003 under Sec. 10-B(9) of the Industrial Disputes (Central) Rules to restore the L.C.I.D. No. 114/2002 which was allowed by this Court on 10-2-2003. Notices were issued to the parties.

2. Brief averments of the claim petition are: That the Petitioner was appointed in the Respondent establishment as watchman. Subsequently the services of the Petitioner were regularized and since then he was discharging his duties to the satisfaction of the superiors till he was illegally removed on 31-3-1986. He was served with a memo dated 19-3-1985 alleging that he produced a false transfer certificate while joining into the service of the Respondent corporation which constitutes to misconduct and misbehaviour. The first Respondent wrote a letter dated 16-1-85 to the Head Master, Z.P. High School for clarification of the genuineness of the transfer certificate of the Petitioner behind his back and after getting confirmation of the Head Master that the transfer certificate is fake one, has issued the above memorandum. The Petitioner has submitted his explanation to the above memorandum. For which the Respondent without applying his mind to the facts initiated an enquiry and held that the enquiry was conducted behind his back. Without giving an opportunity to cross-examine the sole prosecution witness. Head Master, Z.P. High School, Macherla. The second enquiry was said to have been conducted after a lapse of six months is void and against the regulations of principles of natural justice. He approached several times personally and gave

written appeal dated 10-5-1986, 10-8-89, 25-2-90, 3-10-91, 30-3-94 and 19-4-94. Hence, that in similar cases of misconduct the Respondent has let off the employees with lesser punishments but acted quite discriminatingly against the Petitioner in awarding him with capital punishment. The Petitioner submits that he has a big family behind him and that he may be reinstated with back wages, continuity of service and all other attendant benefits.

3. A counter was filed. That the Petitioner produced a false and fake transfer certificate at the time of joining in service. Therefore, he was served with a memorandum. That actually an enquiry was conducted which was closed on 2-8-85. However, a de novo enquiry was initiated by the 1st Respondent, who is the Disciplinary Authority with a view to give another opportunity to the Petitioner. The Head Master, Z.P. High School, Macherla was summoned as his deposition was recorded. The Petitioner and his defence assistant did not choose to avail the opportunity to cross-examine the witness but simply walked out and pursuant to the enquiry he was removed on 31-3-86. He gave only one representation dated 19-4-94. That the representation dated 19-4-94 cannot be entertained as it is time-barred and very belated. He does not deserve any sympathy. Hence, he may be dismissed. Hence, the dismissal order may be held valid.

4. Actually the Petitioner has not even shown any interest in the progression of the case and hence a 'Nil' Award was passed on 4-12-2002 and again it was set aside on 5-3-2003 by allowing IA No. 3/2003. Neither it was brought to my notice by the Petitioner's Counsel nor Respondent's counsel and escaped my attention to decide first the validity of domestic enquiry and witnesses WW1 examined and Respondent also examined MW1. However, that may be so. Let us see what is WW1's deposition.

5. WW1 deposed that he worked with Food Corporation of India on daily wages for 89 days vide Ex. W1. After one and half year he was regularized. He worked till 1986. He passed 8th class. He studied in the Z.P. High School in Macherla. He was chargesheeted on the ground that the transfer certificate is a false one. Ex. W2 is the memorandum of charge. Ex. W3 is copy of transfer certificate. He made enquiries with Z.P. High School, Macherla. He was told by the Head Master that the records of that period are lost in flood. The enquiry was conducted which was closed on 2-8-85. Ex. W4 is the order passed by the Enquiry Officer. But on 1-2-86 the enquiry was reopened. Ex. W5 is the order directing the enquiry to be reopened. He submitted a protest letter about reopening of the enquiry which is Ex. W6. That after giving a letter Ex. W6 he did not participate in the enquiry. The Enquiry Officer submitted the enquiry report following the 2nd enquiry which is Ex. W7. He was served with an order dated 31-3-96 removing him from service which is Ex. W8. He submitted an appeal to Senior Regional Manager, Food Corporation of India for which he

did not receive any reply. That the second enquiry is invalid. Hence, he may be reinstated back. In the cross-examination he deposed that he was issued with a charge-sheet alleging that he produced false and fake certificate at the time of joining the services of the corporation. It was produced by the Z.P. High School. He does not know the Head Master of the said school who had given the clarification that the said transfer certificate was not issued by them. The enquiry was reopened and Head Master was summoned. That they did not attend the enquiry and he was informed by the defence counsel that he did not attend the enquiry which was reopened. The proceedings dated 2-7-85 also contained his signature which is marked as Ex. M2. He denied that he did not avail the opportunity to participate in the enquiry.

6. Sri M. Venkata Narasu deposed that the Petitioner has worked as a watchman in Food Corporation of India. That he was given charge sheet dated 19-3-85 that he had produced a false transfer certificate. Ex. M10 is copy of charge sheet. He was given notice of enquiry vide Ex. M12. Petitioner's reply is Ex. M13. He was permitted to engage Sri G. Joseph as defence assistant vide Ex. M15. Ex. M16 are enquiry proceedings. Thereafter, the Petitioner had taken objection for not examining the Head Master of the school concerned. The District Manager ordered for reopening the enquiry and accordingly, the Head Master was examined. Ex. M17 is the order for reopening of enquiry. Ex. M18 is letter calling the Petitioner for the same. Ex. M19 is the proceedings of the enquiry. Ex. M20 is the enquiry report. Ex. M21 is the transfer certificate of the Petitioner produced at the time of appointment. Ex. M22 is the letter by the Head Master that the transfer certificate is not issued by his office. The Petitioner was given full opportunity and the enquiry is valid.

7. In the cross examination he deposed that the Petitioner had been working since 10 years. That the qualification for appointment as watchman in FCI is 7th class. It is not known who complained to the District Manager about the alleged false transfer certificate produced by the Petitioner. It is true that he has not filed the enquiry report dated 14-11-85. It is not true to suggest that they took a decision to reopen the enquiry because the first report was not in their favour. It is true that the Petitioner did not cross examine the Head Master. As per the record the Petitioner left the enquiry when the Head Master was being examined. It is not true to suggest that the earlier school records pertaining to the old transfer certificates were lost in a flood in Macherla and the subsequent record produced by the Head Master was fabricated at the instructions of the Corporation.

8. The first thing is to examine whether the enquiry is validly conducted or not and if it is validly conducted I am to simply ignore the evidence of both WW1 and MW1.

As arguments are advanced even under Sec. 11A, therefore, let us see the enquiry.

9. It is argued by the Learned Counsel for the Petitioner that the Petitioner worked as watchman in the Respondent establishment Food Corporation of India from 1-7-76 as daily wage worker and later regularized. He was removed from service on 31-3-86. On 19-3-85 the Petitioner was served with a memorandum of charge alleging that he has produced a false transfer certificate from the Z.P. High School, Macherla at the time of joining the corporation which amounted to misconduct. An enquiry was conducted and the Head Master who issued the transfer certificate was not examined and the enquiry was closed on 2-8-85. On 1-2-86 the Disciplinary Authority directed the Enquiry Officer to reopen the enquiry for the purpose of examining the Head Master or any other officer who can pronounce on the authenticity of transfer certificate. When de novo proceedings were taken up on 15-2-86 the Petitioner as well as his defence assistant protested at the holding of de novo enquiry and walked out. They did not participate further in the proceedings and did not cross examine the Head Master of the Z.P. High School, Macherla, whose presence was procured and who was examined by the Management. The de novo enquiry proceeded ex parte and culminated in the report holding the misconduct proved. In the counter affidavit filed in the I.D it is stated by the management that the de novo enquiry was ordered mainly with a view to give one more opportunity to the Petitioner. In his deposition before the Hon'ble Court the sole Management witness MW1 goes to the extent of saying that "the de novo enquiry was ordered because the workman protested against closing the enquiry without examining the Head Master. In fact MW1 in the cross examination has agreed that the proceedings dated 1-2-86 by which the enquiry was reopened do not indicate the de novo enquiry was ordered at the request of the workman. The proceedings merely indicate that the Disciplinary Authority is of the view that the Enquiry Officer has not made a thorough enquiry into the charges and has decided to issue on the basis of inadequate evidence". He further says that the examination of the Head Master is crucial and no proper attempt is made to secure his attendance. In fact the proceedings dated 1-2-86 indicate that the Enquiry Officer had already submitted a report on 14-11-85. MW1 admits that a copy of this report was not served on the workman. It is not marked in the present proceedings and no order was passed by the Disciplinary Authority on the report and MW1 further says the Management made no effort to procure the presence of the Head Master but relief for proof of their case upon the letter dated 22-1-85 said to have been written by the Head Master to the Corporation. If a party voluntarily and knowingly creates the best evidence away and admits to having been satisfied with lesser evidence the party

cannot be given in law the benefit of de novo enquiry. Otherwise there will be an endless cycle whereby at each stage a party would be permitted to test its case with bits and pieces of evidence, to be augmented at de novo hearing until its case is proved. The Court have held a de novo enquiry or a further enquiry at the instance of the Management permissible, but only if the reason is bonafide: (1) If, inspite of the best efforts of the Management, certain relevant evidence could not be procured or produced at the time of the enquiry but could later be produced; (2) If the Enquiry Officer did not frame charges properly (1997 II LLJ 281) or give adequate opportunity to lead relevant evidence, or disallowed such evidence; (3) Fresh relevant evidence comes to light after the completion of the enquiry, which could not, even with diligence, have been available to the Management at the time of the first enquiry.

10. Even in such circumstances the Courts have insisted on their being a provision in the relevant service rules for ordering a de novo enquiry or reopening a closed enquiry (1975 LAB IC 1681). Wherein their Lordships held "But having been exculpated after enquiry the State could go at him by re-opening the proceedings only if the rules vested some such revisory power". None such has been shown to exist although one wonders why a rule vesting such a residuary power of a supervisory nature to be exercised in the event of a subordinate disciplinary authority not having handled a delinquent adequately or rightly is brought to the attention of Government has not been made. No rule of double jeopardy bars but absence of power under a rule inhibits a second inquiry by the Disciplinary Authority after the delinquent had once been absolved. We may however make it clear that no Government servant can urge that if for some technical or other good ground, procedural or other, the first enquiry or punishment or exoneration is found bad in law that a second enquiry cannot be launched." He also relief on 1971 ILLJ page 427 at page 430, wherein their Lordships held that "Sub-Inspector of Central Excise charged with corruption and misappropriation. It was held that the charges were not established—Third enquiry ordered—the procedure adopted by the Collector, held, not warranted and harassing the appellant—order held to be in breach of Art. 311(2) and quashed—The appellant declared entitled to be treated as still continuing in service and entitled to his pay and allowances." Hence, he prays, the petitioner be reinstated with full back wages, continuity of service and all attendant benefits.

11. The Learned Counsel for the Respondent argued that the enquiry is reopened just to facilitate the Petitioner to cross examine the Head Master and when the Head Master was examined the Petitioner and his defence representative did not choose to cross examine him. The enquiry was not conducted according to the principles of natural justice and the cross examination of the Petitioner

before the Hon'ble Tribunal makes the same very clear. The Disciplinary Authority has the power to reopen the enquiry. The action of the Respondent is in accordance with law. That the Petitioner had filed a case questioning the very same question before the authority of A.P. shops and Establishments Act and the same was dismissed. And therefore, he filed the present I.D. He also relief on 1971 I LLJ page 281 wherein His Lordship held that, "De novo enquiry. Once a delinquent is exonerated of the charges he cannot be subjected to a fresh enquiry on the same or similar charges based on the same set of facts—where however, the delinquent was not exonerated of the charges and the Enquiry Officer felt the charges are not properly framed, charges might be framed afresh properly and proceedings might started de novo and the Enquiry Officer might be appointed for the purpose. As a proposition of the law there can be no legitimate view that once a delinquent is exonerated of the charges he cannot be subjected to a fresh inquiry on the same or similar charges based on the same set of facts. But the moot question is 'was the Petitioner exonerated of the charges contained in the charge sheet.' The Petitioner was not exonerated of the charges. On the other hand, the Enquiry Officer felt that the charges were not properly framed. Therefore held that on the basis of the same allegations the charges may be framed afresh properly and proceedings may start de novo and a new Enquiry Officer be appointed for the purpose." Hence, the I.D. is liable to be dismissed.

12. It may be seen that it would have been a different matter had the Petitioner been reinstated after the first enquiry. The suspension was continued apparently because the Petitioner as WW1 does not depose that after the first enquiry he was reinstated. So he was not reinstated. No doubt, there are some lacunas on the part or the Respondent also when MW1 has gone into the box, he should have shown what rules permit them to conduct a second enquiry as has been held by the Hon'ble Supreme Court in 1975 LAB IC 1681. Of course, that was a case whether the delinquent was exculpated after enquiry and reinstated. Government again reopened the proceedings can reopen the proceedings only if the rules vested such revisory powers. It was held the, "No rule of double jeopardy bars, but absence of power under a rule inhibits of second enquiry by the Disciplinary Authority after the delinquent has been absolved". In this case he is not reinstated. Secondly this particular Judgement 1971 ILLJ page 281 by Hon'ble High Court of Gowhati has a proposition of law, there can be no legitimate dispute that once a delinquent is exonerated all the charges he would be set to a fresh enquiry with a same and similar charges based on same set of facts. But the mute question is that the Petitioner was exonerated of the charges and de novo enquiry was ordered for framing charges properly. In this case the Petitioner has not be exonerated of the charges...." It may be seen that by order dated 1-2-86 the disciplinary

authority has held that the Enquiry Officer had not made a thorough enquiry of the charges into the officer as on the basis of identical evidence. The examination of the Head Master of the school is a crucial issue and no proper attempt is made to secure his assistance in the evidence and hence, the case is remitted to the Enquiry Officer for further enquiry. So it may be seen that the Disciplinary Authority felt that the first enquiry report is not against the Petitioner because by non-examination of the Head Master the charge is apparently not proved against the Petitioner. The Petitioner has protested about the same and he has not availed the opportunity of cross-examining the witness. That namely, the Head Master nor he produced any witness on his behalf. So far as the second enquiry is concerned as the Petitioner was not exonerated from the charges nor reinstated nor suspension revoked after the first enquiry report. Hence, it cannot be said that it was double jeopardy. Hence, I hold that the second domestic enquiry is against the Petitioner is validity conducted as it confirms to the norms reported in :

13. It may be seen that as per the judgment of the Hon'ble Supreme Court in A.I.R. 1963 page 1914. The Hon'ble Supreme Court held, "An enquiry cannot be said to have been properly held unless :

- (1) The employee proceeded against has been informed clearly of the charges levelled against him.
- (2) The witness are examined—ordinarily in the presence of the employee—in respect of the charges.
- (3) The employee is given a fair opportunity to cross-examine the witness.
- (4) He is given a fair opportunity to examine witnesses include himself in his defence if he so wishes on any relevant matter

AND

- (5) The Enquiry Officer records his findings with reasons for the same in his report.

Let us see whether the above five conditions are fulfilled in this case :

Point No. 1 : The charge sheet is very clear. Point Nos. 2,3,4 and 5 : Witnesses are examined and the non cross-examination of his own witness by the Petitioner is his own and the enquiry report is given with reasons. Therefore, I hold that the enquiry is validity conducted. Obviously, this should have been decided first. But both the counsels forgot and did not bring it to my notice and I also had over-looked the said fact. However, seeing the special circumstances whether two enquiries were conducted, by over sight the evidence of the Petitioner and the Respondent were recorded. Yet as I have to decide the validity of domestic enquiry first I now decide that the second domestic enquiry is validly conducted for the

reasons mentioned above. The second point is whether the Petitioner is entitled for any relief under Section 11A. It may be seen that the Petitioner has been dismissed from service on 31-3-86. He issued a letter to the employer on 19-4-94 and comes to the court (namely previous court in 1996) after a gap of 10 years. Once having held the enquiry as valid I am not supposed to look into the evidence of WW1 and MW1 and only decide on the basis of available record. As discussed supra from the available record it is found that the Petitioner was dismissed on 31-3-86 and he approached the Court in 1996, so there is a gap of 10 years in approaching the Court, but however in the peculiar circumstances of the case that he is subjected to second enquiry when in the first enquiry itself the Head Master could have been examined and then he would have the opportunity to cross-examine the witness and then perhaps due to the wrong advises of the defence assistant he did not cross-examine the witness and as he was discharging only the duties of watchman there was no serious loss to the corporation. He was drawing a salary of Rs. 1300/- at the time of removal from service. He has served the Department for 10 years. Hence, I am of the opinion that the punishment of dismissal is modified to one that of compulsory retirement on 31-3-86.

Award passed accordingly. Transmit.

Dictated to Kum K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 13th day of January, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for Respondent
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WW1 : Sri S.K. Khajavali	MW1 : Sri M. Venkata Narasu
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Documents marked for the Petitioner

Ex. W1	: Copy of appointment order dt. 1-7-76
Ex. W2	: Copy of Memorandum of Charge dt. 19-3-85
Ex. W3	: Copy of transfer certificate
Ex. W4	: Copy of daily order sheet dt. 2-8-85
Ex. W5	: Copy of Lr. No. V & S. 4(57)/85 dt. 1-2-86
Ex. W6	: Copy of protest letter by WW1 dt. 15-2-86
Ex. W7	: Copy of inquiry report dt. 21-3-86
Ex. W8	: Copy of order No. V&S 4(57)/85 dt. 31-3-86
Ex. W9	: Copy of appeal of WW1 to Sr. Regl. Manager dt. 10-5-86

Documents marked for the Respondent

Ex. M1	: Copy of daily order sheet dt. 27-5-85
Ex. M2	: Copy of daily order sheet dt. 2-7-85
Ex. M3	: Copy of daily order sheet dt. 11-7-85

- Ex. M4 : Copy of daily order sheet 19-7-85
 Ex. M5 : Copy of daily order sheet dt. 26-7-85
 Ex. M6 : Copy of enquiry proceedings. dt. 26-7-85
 Ex. M7 : Copy of daily order sheet dt. 2-8-85
 Ex. M8 : Copy of daily order sheet dt. 2-8-85
 Ex. M9 : Copy of protest letter by WW1 dt. 15-2-86
 Ex. M10 : Copy of charge sheet dt. 19-3-85
 Ex. M11 : Copy of order No. V&S.4(57)/85 dt. 10-4-85
 Ex. M12 : Copy of enquiry notice dt. 21-6-85
 Ex. M13 : Copy of reply to Ex. M12 dt. 25-6-85
 Ex. M14 : Copy of memo No. V&S.4(57) 85 dt. 26-6-85
 Ex. M15 : Copy of memo No. V&S.4(57) 85 dt. 9-7-85
 Ex. M16 : Copy of daily order sheet dt. 27-5-85
 Ex. M17 : Copy of Lr. No. V&S.4(57) 85 dt. 1-2-86
 Ex. M18 : Copy of notice for reopened enquiry dt. 5-2-86
 Ex. M19 : Copy of daily order sheet dt. 15-2-86
 Ex. M20 : Copy of Lr. no. INQ/T.CH.VR/1/85 dt. 21-3-86
 Ex. M21 : Original transfer certificate of WW1
 Ex. M22 : Copy of the letter of Head Master, ZPH School, Macherla dt. 22-1-85
 Ex. M23 : Copy of dismissal order No. V&S.4957/85 dt. 31-3-86

नई दिल्ली, 7 अप्रैल, 2004

का.आ. 1101.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, श्रमिक विद्यापीठ प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या एल. सी.आई.डी. नम्बर 19/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-04-2004 को प्राप्त हुआ था।

[सं. एल-22013/1/2004-आई. आर. (सी.-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 7th April, 2004

S.O. 1101.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 19/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial Dispute between employers in relation to the management of Shramik Vidyapeeth and their workman, which was received by the Central Government on 6-4-2004.

[No. L-22013/1/2004-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : SHRI E. ISMAIL, B.Sc., LL.B.

Presiding Officer

Dated the 15th day of December, 2004

Industrial Dispute L.C.I.D. 19/2002

(Old I.T.I.D. No. 12/2000 Transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN:

Shri G. Satyanarayana,
3-330, Mandapam Guruvu,
Sarpavaram,
Kakinada-533 005

....Petitioner

AND

The Director,
Shramik Vidhyapeeth,
Now changed as Jan Shikshan
Samsthan,
D. No. 8-22-11,
Near Ontimamidi Junction,
Datlavari Street, Gandhinagar,
Kakinada-533 004.

....Respondent

APPEARANCES:

For the Petitioner : Sri D. Subramanyam,
Advocate.

For the Respondent : Sri M. Jawahar Ali,
Advocate.

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.T.I.D. No. 12/2000 and renumbered in this Court as L.C.I.D. No. 19/2002.

2. The brief facts as mentioned in the petition are : That the Petitioner has joined in the Shramik Vidhyapeeth as a Chowkidar on 28-9-94. The appointment letter issued by the Respondent is filed herewith. After completion of the probation period the Petitioner services were not confirmed by the Respondent on 1-7-96. The confirmation letter dated 8-8-96 issued by the Respondent is filed along with this petition. The Respondent issued retrenchment order on 15-3-2000 without any prior intimation. The retrenchment order which was issued by the Respondent

along with this Petitioner. After receiving the retrenchment order the Petitioner submitted an application to the Respondent duly requesting him to reinstate him into service but in vain. The application is filed along with petition. Reply given by the Respondent was also filed. The reasons stated in the retrenchment order are not true and valid. Only the Petitioner is retrenched and all other employees of Shramik Vidhya Peeth is now in service in Jan Shikshan Sansthan (Formerly Shramik Vidhya Peeth). The Petitioner workman joined in service on 28-9-94 and he received his last salary in the month of March, 2000 and the salary was Rs. 2062 per month. Now, the workman and his entire family members are put into starvation due to the illegal retrenchment by the Respondent. The Respondent failed to follow the rules and regulations relating to the retrenchment and unilaterally with a view to harass the Petitioner passed the retrenchment order on the workman, which is violation of principles of natural justice also. Hence, he may be reinstated with back wages, continuity of service and all other benefits.

3. A counter was filed by the Respondent stating that the Petitioner was appointed as Chowkidar on 28-9-94 and his services were confirmed on 1-7-96 and confirmation was made through letter dated 8-8-96. It is not true to suggest that he discharged his duties without any remarks. It is not correct to allege that the Petitioner alone was retrenched.

4. The averments in para 4 (e) is also not correct and the Petitioner is put to strict proof to the same and the averments and the allegations are also incorrect. The Respondent submits the Shramik Vidhya Peeth and the Jan Shikshan Sansthan are separate and independent organizations and the Petitioner is not entitled to maintain the dispute as if both the institutions are one and the same. It is submitted that the Petitioner was appointed by Shramik Vidya Peeth as Chowkidar and later he was retrenched by Shramik Vidya Peeth through retrenchment order dated 15-3-2000. The Shramik Vidya Peeth was dissolved and wound up voluntarily by 31-3-2000 and therefore the Petitioner is not entitled to maintain this petition against the Shramik Vidya Peeth except seeking retrenchment compensation as per the provisions of law. That Shramik Vidya Peeth paid one month salary in view of prior notice of the retrenchment and also paid gratuity. It is submitted that the order of retrenchment was passed by invoking the rules and regulations applicable to the Petitioner. It is submitted that the Petitioner was under an erroneous impression that the services of the employees in the Shramik Vidya Peeth has to be treated as the services the Central Government and he was always claiming the application of rules applicable to the Central Government employees. It is submitted that Shramik Vidya Peeth is a voluntary agency sponsored by the Government of India and the emoluments and hence, the rules applicable to the Central Government cannot be invoked for the employees

of Shramik Vidya Peeth guidelines issued by the Government of India are very clear in this regard.

5. The Petitioner has claimed in the petition that he has discharged the duties under Shramik Vidya Peeth without any remark. It is submitted that the Petitioner was always careless and negligent towards his duties and he committed several in-disciplinary acts and thereby the Management has served several memos and initiated action. It is reliably learnt that the Petitioner owns a house fetching rents and maintaining Auto Rikshaw as Taxi and therefore he is not fully dependent on job. It is not true to say that his family is starving. Shramik Vidya Peeth was dissolved. Jan Shikshan Sansthan is a separate institution. The Board of Management of Jan Shikshan Sansthan was given with discretion for deciding on its staffing pattern and while adopting the pattern of employment felt that it is not desirable to employ any person for the posts of watchman, sweeper and scavenger and the Management opted to entrust this categories to the contractors by fixing the payment on contract basis. In view of the decision adopted by the Jan Shikshan Sansthan all the employees under this category who are working under Shramik Vidya Peeth were retrenched by the Management of now dissolved Shramik Vidya Peeth. That the Petitioner is not entitled to any relief as there is no previous contract like Management and worker, between the Jan Shikshan Sansthan and the Petitioner. As there is no privity of contract between both. In fact, the Jan Shikshan Sansthan proposed to entrust the contract work to the Petitioner on preferential basis. The Petitioner was intimated about the fact. That the Petitioner instead of availing the opportunity to render his services for Jan Shikshan Sansthan as contractor filed this petition before the Hon'ble Court raising the dispute. No injustice was caused to the Petitioner as alleged in the petition. It is humbly submitted that the Director of Jan Shikshan Sansthan happened to be the Director of Shramik Vidya Peeth Mr. Tatavarthi Srinivasa Rao worked as Director of Shramik Vidya Peeth previously. During the tenure of Petitioner's services Mr. Tatavarthi Srinivasa Rao initiated several actions against the Petitioner when the Petitioner committed the act of dereliction of duties keeping the grudge in mind he has filed this case. He has no valid cause. Hence, this petition may be dismissed.

6. The Petitioner examined himself as WW1 and deposed that he worked as Chowkidar from 28-9-94 with Shramik Vidya Peeth. Ex. W1 is the appointment order dated 28-9-94 appointing him as Chowkidar on a consolidated pay of Rs. 1,000. Ex. W2 is a letter dated 8-8-96 confirming his services w.e.f. 1-7-96 and sanctioning of an increment of Rs. 250. He was doing his work satisfactorily. Vide Ex. W3 dated 15-3-2000 he was retrenched. He was not paid any retrenchment compensation. He gave a representation Ex. W4. Ex. W5 is the reply to Ex. W4. Shramik Vidya Peeth was not dissolved and the name alone was changed to

Jan Sikshan Sanstha. He was the only person retrenched. That his probation was declared vide Ex. W2. Respondent may be directed to reinstate him with back wages. He was getting a pay of Rs. 2062 per month when he was retrenched. In the cross-examination he deposed that Shramik Vidya Peeth is not in existence now. The said organization was voluntarily dissolved on 31-3-2000. In the first instance he was given one year period for probation. It was later extended. It was true that Ex. M1 summons were served on him dated 17-9-98. That is he has not received the order but his probation was extended by one year. He knows the Management is different. But he sees that the same staff continues. He has also filed a Writ Petition in Hon'ble High Court of A.P. claiming same wages as are applicable to Central Government employees. It is correct that scavengers, watch and ward and chowkidars were all terminated. He refused Ex. M3 at the first instance dated 15-3-2000. Ex. M2 is the acknowledgement. Through which Ex. M3 was sent by registered post. It is true that Project Officer Mr. A. V. S. N. Murthy appraised him that he may participate in tender of contract relates to watch and ward to be issued by Jan Shikshan Sansthan. It is true that he was given compensation and amount of gratuity through cheques. In the first instance he refused to receive all those cheques. But the Management has credited those cheques into his account. He was served with Ex. W5 to work on contract basis. Till today he has not filed any tender. In partnership he obtained an auto from M/s. Ashok Finance and the auto is on his name. Still he is plying an auto. He denied that he is having three autos and all three are running. It is not true to suggest that he is not performing the duties properly. He denied that he has no claim against the Respondent.

7. MW1 Sri Tatavarthi Srinivasa Rao, who was also the Director of Shramik Vidya Peeth, Kakinada deposed that the Petitioner was appointed as Chowkidar at Shramika Vidya Peeth on 28-9-94. The period of probation one year. As the work was not satisfactory his probation period was extended by one more year. Ex. M3 is the said extension order dated 25-9-95. He has brought the file pertaining to WW1. Before dissolution of Shramik Vidya Peeth the employees of three categories i.e., watch and ward, office upkeep and scavenger were retrenched and Petitioner is one among them being Chowkidar. Retrenchment order was dated 15-3-2000 was served on him. He refused to receive it. Then they sent it by registered post acknowledgement due. That was also returned with endorsement that address was not found. Then they send it under certificate of posting and one by ordinary post. After receiving that he submitted a representation dated 27-3-2000. Alongwith the representation he returned two cheques towards service benefits. Thereafter they got two cheques credited to this account at Canara Bank, Gandhi Nagar, Kakinada. He withdrew the amount. Then Jan Shakti Sansthan took the decision to award watch and ward and office upkeep and scavenger services to a single contractor

on contract basis. The Petitioner was offered vide letter dated 2-4-2000 by Jan Shakti Sansthan to avail the opportunity but he refused. Even during the extended period of probation he filed a writ before the Hon'ble High Court of A.P. seeking central service rules and benefits and the same was dismissed by the High Court and the Petitioner is habituated in filing petitions and complaints against the Management. The workman is now running two auto rikshaws and by obtaining loan from SC Finance Corporation and also from some private financial institutions. The Respondent learnt that the workman availed the government subsidies for purchasing Auto Rickshaws from SC Finance Corporation. Hence, he is not interested in working and there is no necessity for his to work.

8. In the cross-examination he deposed that Ex. M1 is the charge memo issued to WW1. No punishment was awarded to the charged mentioned in Ex. M1. It is correct to state that all the confirmed staff of Shramik Vidya Peeth are working in Jan Shikshan Sansthan and they are being continued in the same cadre. The Board has taken a decision to give on contract the work of chowkidars and office upkeep services. The board had taken a resolution, the same is not filed. He denied that there is no such resolution. The guidelines for running the institutions were given by Ministry of Human Resources, Government of India. It is true that guidelines and staff pattern suggestions one Chowkidar can be appointed. The Petitioner is confirmed employee of Shramik Vidya Peeth. It is true that scavengers and sweepers of Shramik Vidya Peeth who were terminated were no confirmed employees. The only confirmed employee is the Petitioner. He cannot assert or deny that they are continuing. That the guidelines for all units for Jan Shikshak Sansthan are one and same. The witness adds that every unit has their choice of deciding the staff structure. It is true that Shramik Vidya Peeth and Jan Shikshak Sansthan are one and the same. He denied that the Petitioner is entitled to all the benefits.

9. It is submitted by the Learned Counsel for the Petitioner that all the staff according to MW1 are all absorbed in Jan Shikshak Sansthan. He submits that discrimination has been shown against the Petitioner for the simple reason that he had moved the Hon'ble High Court of A.P. for being paid on par with Central Government servants. He relied on LLJ DIGEST (1982—1999) page 1559—“Section 25F—Retrenchment—Conditions precedent set out in Section 25-F before effecting retrenchment are mandatory and cumulative—Issue of notice to appropriate Government is not empty formality—Conditions precedent to retrenchment should be complied with”. That, “If the workman is retrenched from service otherwise than in accordance with law and particularly without complying with preconditions mentioned in the section termination would be void *ab initio*—Once it was found that there was non-compliance with the section,

conclusion was inescapable that workman had to be reinstated with back wages and continuity of service". In the similar manner he has filed number of Judgements on the same aspect and argued that the Petitioner should be taken back into service with all benefits, continuity of service.

10. It is argued by the Learned Counsel for the Respondent that order of retrenchment vide Ex. W3, he was paid one month pay and 15 months average pay that is gratuity. It is argued by the Respondent's counsel that the order of the retrenchment dated 15-3-2000 is valid and complied with all requirements, but unfortunately while calculating the compensation as 15 months average pay it was wrongly typed in the order as gratuity instead of retrenchment compensation by oversight. He has already taken the compensation amount. Secondly, the Shramik Vidya Peeth was voluntarily dealing and the Jan Shikshan Sansthan is totally different organization. In fact, he is not entitled for any compensation in view of the offer made by the Jan Shikshan Sansthan offering the Petitioner to work under contract basis as per the new system. He refused to take the contract. He has already having two auto rickshaws, having loans and subsidies from SC Corporation. Hence, the Petitioner is not entitled for anything. Further, the Respondent appointed investigator to confirm that the Petitioner owns an auto rickshaw with No. AP5Y and traffic police identification No. 2223.

11. It may be seen that WW1 practically all the employees have been taken into service except according to MW1 as admitted by MW1, "It is true that scavengers and sweepers of Shramik Vidya Peeth who were terminated were not confirmed employees. The only confirmed employee removed is the Petitioner." He has put in a service from 28-9-94 to 15-3-2000. No doubt his probation was extended but it was confirmed. But it has come in the evidence of WW1, he himself said that he has obtained an auto rickshaw and he is plying the same and it is also clear from the fact that the Petitioner has moved the Hon'ble High Court of A.P. even during the extended period of probation asking for salaries on par with Central Government servants. In that there is nothing wrong in approaching the Hon'ble High Court of A.P. but his probation was extended by one year. He was issued with a memo Ex. M1 now. He is plying an auto rickshaw and he was not interested in the technicalities and other things apart. He is not taken particularly in the contract which was offered to him. Hence, I am of the opinion that dismissing an employee by holding that they will give a contract in future is not correct. He should have been given alternative job. If not, as a Chowkidar or as a Peon. It was not done. But in every case the reinstatement cannot be ordered. We have to see the circumstances. The man is gainfully employed by plying auto having taken subsidies and loan from the SC Corporation. In this particular case I feel that the ends of justice would be met if he is paid some

compensation instead of reinstatement from the circumstances of the case which already discussed above that is, he is gainfully employed by plying an auto rickshaw. Hence, I direct that the Respondents that is, Jan Shikshan Sansthan, shall pay Rs. 30,000/- within 30 days from the publication of this award, to the Petitioner failing which he will be entitled to interest at 12% per annum after completion of 30 days from the publication of this award.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 15th day of December 2003.

MAIL, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

WW1 : Sri G. Satyanarayana MW1 : Sri T. Srinivasa Rao

Documents marked for the Petitioner

Ex. W1 : Appointment order dt. 28-9-94
Ex. W2 : Letter Confirming the services of WW1 dt. 8-8-96
Ex. W3 : Retrenchment order dt. 15-3-2000
Ex. W4 : Copy of WW1's representation.
Ex. W5 : Reply to Ex. W4 dt. 10-4-2000
Ex. W6 : Copy of Guidelines for Planning and Organisation of Shramik Vidyapeeth.

Documents marked for the Respondent

Ex. M1 : Letter to record duty timings of WW1 dt. 17-9-98
Ex. M2 : Acknowledgement for Ex. M3
Ex. M3 : Copy of Lr. issued to WW1 extending his probation dt. 25-9-95
Ex. M4 : Copy of Guidelines for Planning and Organisation of Shramik Vidyapeeth dt. 1-7-94
Ex. M5 : Copy of By laws Articles of Association of Shramik Vidyapeeth dt. 1-7-94
Ex. M6 : Copy of certificate of registration of Shramik Vidyapeeth dt. 25-7-95
Ex. M7 : Copy of scheme of Jan Shikshan Sansthan dt. 20-2-2000
Ex. M8 : Copy of March 2000 Memorandum of Articles of Association. Jan Shikshan Sansthan with certificate
Ex. M9 : Copy of registration certificate of Jan Shikshan Sansthan dt. 21-3-2000
Ex. M10 : Copy of contract service agreement dt. 1-4-2000
Ex. M11 : Copy of notification for issuing contract for watchman, sweeper and scavenger
Ex. M12 : Copy of particulars of staff appointment dt. 1-4-2000
Ex. M13 : Copy of contract agreement dt. 1-7-2000
Ex. M14 : Copy of contract agreement dt. 1-4-2001

- Ex.M 15: Copy of contract agreement dt. 1-4-2002
 Ex.M 16: Copy of contract services agreement dt. 23-5-2002
 Ex.M 17: Copy of contract service agreement dt. 23-7-2003
 Ex.M 18: Copy of D.D. and credit slip of Bank of Baroda dt. 10-3-2003
 Ex.M 19: Copy of appointment order of investigator dt. 23-7-2003
 Ex.M 20: Copy of report from Mr. Syed Mansoor investigation report dt. 24-7-2003
 Ex.M 21: Copy of List of difference in the scheme of Jan Shikshan Sansthan

नई दिल्ली, 7 अप्रैल, 2004

का.आ. 1102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, भारतीय खाद्य निगम प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर II, नई दिल्ली (संदर्भ संख्या 69/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-4-2004 को प्राप्त हुआ था।

[सं. एल-22012/578/एफ/94-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 7th April, 2004

S.O. 1102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/95) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 6-4-2004.

[No. L-22012/578/F/94-IR(C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER:
 CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
 CUM-LABOUR COURT-II, RAJENDRA BHAWAN,
 GROUND FLOOR, RAJENDRA PLACE,
 NEW DELHI

Presiding Officer : R. N. RAI.

I.D. No. 69/95

IN THE MATTER OF:—

HARJEET SINGH

VERSUS

MANAGEMENT OF FOOD CORPORATION OF INDIA

AWARD

The Ministry of Labour vide its letter No. L-22012/578/F/94/RC-II Central Government dt. 26-5-1995 has referred the following point for adjudication. The point runs as hereunder:—

“Whether the action of the management of Food Corporation of India in debaring from promotion and not granting seniority with resultant benefits to

Shri Harjeet Singh AGI(D) in 1987 panel is justified. If not to what relief the concerned workman is entitled?”

The applicant has filed statement of claim. In his statement of claim, he has stated that he was dealing Assistant and he was debarred from promotion whereas Shri Mohd. Ayub was promoted. He was reverted to the post of AGI(D). He was allowed to continue as AM(D) in most unauthorized way. According to the standing instruction, no review of debar's order can be made during debar period. FCI Management twists orders at its own convenience and favours to nears and dears and scolds to law abiding officials. He has suffered agony, humiliation and financial loss. It is prayed that his seniority for promotion be considered. The management has filed written statement.

In the written statement, the management has stated that Shri Harjeet Singh alongwith 18 other officials were promoted to ZN(N) on 29-12-1987 and were posted to Punjab Region and the candidates were asked to joint their place of promotion and the promotion order was opened upto 25-1-1988 but the concerned official represented for retention at Delhi and failed to move out on promotion in Punjab till 25-1-1988, he give in writing vide his application dt. 20-1-1988 and refused not to avail the promotion so the management issued debar order for a period of one year.

The applicant has filed rejoinder and in his rejoinder, he has denied all the statements of the written statement and has said that FCI has given seniority to Shri Mod. Ayub as per panel of 1987 as AGI(D) but in similar identical cases, he has been denied panel of 1987 when Mr. Ayub was junior to him by 63 numbers.

The management was heard and it is apparent from the order sheet that the workman was absent since 4-6-2002. It appears that the workman was not interested since he was absent from 6-4-2002 for almost two years. The management was heard. It was argued from the management that Shri Harjeet Singh has himself foregone his promotion and he was Asstt. Manager (D). Asstt. Manager (D) is not a workman under the Industrial Disputes Act. As he was holding managerial position, so the court has no jurisdiction to decide the reference of an Asstt. Manager. The argument of the management appears to be reasonable. I find no force in the statement of claims. The applicant workman is not entitled to get no relief as prayed for. The award is replied thus:—

The workman has cited (1988) 2 LAB L.J 49 Ker. 1994 LAB I.C 2634. I have gone through these citations of the Hon'ble Court. They are applicable in the facts and circumstances of the case in view of the admission of the workman.

The action of the management of the Food Corporation of India in debaring from promotion and not granting seniority with resultant benefits to Shri Harjeet Singh AGI (D) in 1987 panel is justified and the workman is entitled to get no relief.

The award is given accordingly.

Dated: 3-3-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2004

का. आ. 1103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कार्पोरेशन लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या 81/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2004 को प्राप्त हुआ था।

[सं. एल. 30012/13/96-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 7th April, 2004

S.O. 1103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 81/97) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of Bharat Petroleum Corp. Ltd., and their workmen, which was received by the Central Government on 2-4-2004.

[No. L-30012/13/96-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT NEW DELHI

PRESENT:

Presiding Officer: Shri B.N. Pandey

I.D. No. 81/97

Shri Pardeep Kumar Chopra,
S/o Shri K.L. Chopra,
R/o 218, Pkt.-B-7,
Sector-IV, Rohini,
Delhi.

....Workman

Versus

The General Manager,
M/s. Bharat Petroleum Corporation Ltd.,
28-A, K.G. Marg,
Connaught Circus,
New Delhi-1.

.....Management

AWARD

The Central Government in the Ministry of Labour, vide its Order No. L-30012/13/96-IR(C-1) dated 23rd/26th June, 1997 has referred the following industrial dispute to this Tribunal for adjudication :—

SCHEDULE

“Whether the action of the management of M/s. B.P.C.L. in terminating the services of Shri Pradeep Kumar Chopra, Security Guard w.e.f. 10-1-1995 is legal and justified? If not, to what relief is the workman entitled?”

2. The workman has assailed the action of the management of M/s. B.P.C. in terminating his services of Security Guard w.e.f. 10-1-1995. In his statement of claim he has alleged that he was employed with the management of M/s. B.P. Corporation Limited as Security Guard since

1-6-1984 and he was posted at Shakurbasti Delhi under the Deputy General Manager (NR); that he was charged urging that while he was on duty at 22 hours on 30-10-91 to 6 hours on 31-10-91 at Shakurbasti Installation, he was allegedly seen stealing petrol from the pipelines at the rear portion of the installation with the help of small tin containers in collusion with Bhumi Dutt Sharma another Security Guard and one another person and that the alleged material was stolen and transported to the main gate area with the help of buckets. It was further alleged that he accordingly committed misconduct in terms of clause 2.91.14 of the certified standing orders. A letter to that effect was issued on 29-11-1991 by the Installation Manager who was not competent to do so. The workman was required to give his explanation. Accordingly he sent his reply dated 2-12-1991 alleging that he was not at all on duty on the alleged date and time and that he was totally unaware of the alleged incident. After receipt of the explanation one Mr. M. Rehil on behalf of the Installation Manager issued another letter dated 4-12-1991 having an absolutely different version. It was acknowledged that the workman was not on duty from 22 hours of 30-10-91 to 6 hours on 31-10-1991 and it was further alleged that at about 4 hours on 31-10-1991 the workman was allegedly seen stealing petrol from the pipe line at the rear portion of the installation in collusion with Shri Bhumi Dutt Sharma Security Guard and one another person. Thereupon the workman again sent his representation dated 5-12-1991 and denied the said allegation. thereafter an enquiry was contemplated. Shri P.C. Goel was appointed as Enquiry Officer and Shri P.K. Inani was appointed as presenting officer and 27th January, 1994 was fixed for enquiry. That neither list of witnesses nor list of documents were provided to the workman, copies of the documents were also not provided. The enquiry commenced on 29-1-1991 when one Mr. Kanwar Singh constable was examined. On 3-2-1992 again Mr. Kanwar Singh continued to be examined by way of cross-examination by the Enquiry Officer Shri P.C. Goel. Shri Jagdev Singh was examined thereafter and then another witness Shri Surender Singh inspector CISF was examined on 26-3-1992. The enquiry was concluded and the workman was served with a letter dated 22-1-94/2-2-94 alleging that the management proposed to take a final view. Thereupon workman sent a representation dated 16-2-1994 that the management maintained a biased and vindictive attitude towards the workman. The enquiry officer gave a perverse finding. The provisions of the standing orders were not complied with and copy of the certified standing order was also not given to the workman; that the management ultimately proceeded to pass the order of dismissal dated 10-1-1995. The workman filed an appeal against it dated 23-1-1995 but the same was rejected without proper reasons. That the charge sheet including the enquiry proceedings and dismissal order and also appellate order are illegal, invalid, improper and *mala fide* and deserve to be quashed. That Shri P.C. Goel was not competent to hold the enquiry. Documents were not provided to the workman and he was also not extended opportunity of being represented through a representative which has caused a grave and serious prejudice to the workman. That the total facts were fabricated and

concocted allegations; that neither the workman was apprehended while committing the alleged act of theft nor the tin containers and buckets were taken or recovered from his possession, the quantity of the stolen petrol was also not disclosed. The registration number of the vehicle in which stolen petrol was filled was also not disclosed; that the workman is unemployed after the date of his dismissal; that the punishment of dismissal is extremely harsh, disproportionate and discriminatory, hence it deserves to be quashed and the workman is entitled to be reinstated in service with full back wages, continuity of service and all other consequential benefits.

3. The management filed its W.S. contesting the claim of the workman and denying his allegations. However, appointment of workman as Security Guard w.e.f. 1-6-1984 and his posting at Shakurbasti Installation were admitted. It was further alleged that on 31-10-1991 at 4 hours the workman was found stealing petrol from the pipeline at the rear portion of Shakurbasti Installation with the help of small tin containers in collusion with Bhumi Dutt Sharma and other Security Guard and one another person which constitute misconduct in terms of clauses 29.1.1914 of the Standing Order; that it is true that the workman was not on duty at the alleged time of occurrence but he was unauthorisedly present in the installation at the time of committing misconduct of theft. That the witnesses were examined in presence of the workman and he was given full opportunity to cross-examine the witnesses and the charges levelled against the workman stood fully proved on the basis of the evidence, representation of the workman dated 16-2-1994 was found not satisfactory and that the workman was also given full opportunity to produce his evidence oral as well as documentary in his defence. The provisions of standing orders were followed; that the disciplinary authority was competent authority to issue dismissal order; that the enquiry officer was appointed by a competent authority and he acted in accordance with the law and principles of natural justice. That the allegations made by the workman are vague, misconceived, misleading and baseless. The domestic enquiry was conducted strictly in compliance with the principles of natural justice and there was no illegality in conducting the enquiry, passing the dismissal order and rejecting the appeal; that the punishment order is legal, proper and justified and the workman is not entitled to get any relief. It was also alleged that in case the court comes to the conclusion that the enquiry conducted by the management suffers from any technical infirmity of vitiated for any reason the management may be allowed to prove the charge against the workman by leading evidence.

4. The workman filed rejoinder to the written statement of the management denying the contentions made therein and reiterating his earlier versions of the claim statement.

5. After pleadings of the parties following issues were framed:

1. Whether the domestic enquiry conducted against the workman is fair and proper?
2. As in the terms of reference.

6. In support of their case both the parties led documentary as well as oral evidence by way of affidavit. The witnesses of both the sides were also cross-examined.

7. I have heard Ld. representatives of both the sides and gone through the file.

8. ISSUE NO. 1

It is alleged that on the night of 30-10-1991 to 31-10-1991 at about 4 AM, the workman was seen by Shri Kanwar Singh a C.I.S.F. Constable from a tower outside the boundary of the installation area near the rear portion of the Installation, stealing petrol (motor spirit) from the pipeline at the rear portion of the Installation with the help of a small tin container, in collusion with Shri Bhumi Dutt Sharma another Security Guard and one other person. It is further alleged that after stealing the petrol the workman transported the stolen petrol to the main gate area with the help of buckets. It is further alleged that on seeing what was happening inside the installation, the C.I.S.F. constable asked the workman not to indulge in such mal practice to which the workman said that it was not duty of the C.I.S.F. Constable to see what was happening inside the premises of the installation. Initially it was alleged that at the time of committing the theft the workman was on duty but later on after receipt of the explanation of the workman it was admitted by the management that the workman was not on duty at the alleged time of theft. Thereupon the management corrected its earlier show cause notice, alleging that at the time of said theft the workman was not on duty and his presence inside the Installation was unauthorised. Thereafter the departmental enquiry was initiated against him. In order to appreciate the arguments of the parties I also perused the copy of the enquiry file. He was given opportunity to engage a defence representative of his own choice but the workman did not avail of it. He was also allowed to cross-examine the witnesses. During enquiry the management examined three witnesses to prove the charge against the workman. The first witness constable Kanwar Singh was the only eye witness of the fact. Two other witnesses Mr. Jagdeep Singh and Mr. Surender Singh Constable C.I.S.F. were examined as link witnesses. Mr. Kanwar Singh constable stated before the enquiry officer that when he climbed over the watch tower situated at the back side of the installation he saw three persons taking out oil from the underground tank with the help of tin container tied with a rope. Thereupon he challenged them not to commit theft which was opposed by the three persons committing theft. Thereupon he communicated the message to second witness Jagdeep Singh Sub-Inspector C.I.S.F. who stated that on 31-10-91 at about 4 AM he had received report of the incident from constable Kanwar Singh through wireless system. Thereupon he had passed on the information to Surender Singh Inspector C.I.S.F. to go and verify the factual position. The third witness Surender Singh Inspector stated that on hearing the wireless message he had enquired from the Constable who was posted at the rear gate of the Installation about the incident and that he was informed that some persons were attempting to pilfer the oil from the pipeline. He further stated that he informed the matter to Sub-Inspector Sh. Surender Singh who was incharge of the front side of the Installation to enquire into the matter and for appropriate action thereon but he was told by Sh. Surender Singh Sub-Inspector posted at the front side that Security Guard on the duty in B.P.C.L.

Installation did not allow them to enter in the Installation premises and stated that C.I.S.F. had nothing to do inside the Installation. It is also worth to be mentioned that it stands to no reason that constable Kanwar Singh while he was on the watch tower would have been in a position to recognise and identify the faces of the persons committing theft are recovered the stolen oil was taken by one nor any FIR was lodged against the workman and two other persons who allegedly committed the theft. It is also important to note that none of the three witnesses initially disclosed names of the persons including the workman regarding committing theft. No doubt at a belated stage constable Kanwar Singh disclosed name of the workman and another one but according to the workman his name was given by the witnesses afterwards at the instance of the management. Apart from it when the workman after receipt of show cause notice after enquiry report demanded in writing alleging that in the report allegedly sent by Commandant C.I.S.F. dated 3-4-91 it was alleged that petrol was taken in the bucket to fill in vehicle. Hence particulars of Registration number of those vehicles be given to him and he also asked for to disclose as to whether any police report was lodged which regard to the incident, if so a copy of it may be provided to him. He also wanted to know as to whether the vehicles in question were seized in which petrol was filled in and as to whether petrol was taken out of the vehicles. He also wanted to know quantity of the petrol/motor spirit allegedly stolen but no answer to it was given by the management to the workman for the reasons best known to the Management. It stands to no reason as to why if the three persons committed theft inside the Installation and took the stolen petrol in buckets to fill in vehicles, why they were not checked and stopped by the Security Guard deputed at the main gate of the Installation and even if Security Guard of the main gate had colluded with those persons why the matter was not brought to the notice of the High Officer of the Management at once on the same night/morning and no F.I.R. etc. was lodged. No doubt the formalities were observed by the enquiry officer in conducting the enquiry but in my opinion merely providing opportunity and proceeding with enquiry in such a way was not sufficient. Justice should not only be done but it should also appear to have been done. In the instant case I find that the action of the management from the very beginning of the case was unwarranted and arbitrary. The initial show cause notice was issued without verifying the facts as to whether at the time of alleged/occurrence workman was on duty or not. The explanation given by the workman was not given due weightage despite the fact that after reply of the notice by the workman the management admitted this fact that he was not on duty. The Management started the Disciplinary proceedings without verifying the correct fact and availability of reliable, sufficient and convincing evidence. It was also not considered and verified as to whether constable Kanwar Singh was in a position to see and identify the persons from a High Tower during night hours. The names of the persons committing theft were also not disclosed even on wireless. The second witness has stated that he had

received a wireless message regarding attempt of committing theft of petrol. Attempting of theft is something different from commission of theft. It all goes to show that the management did not consider the most relevant and important facts of the case and arbitrarily chased the workman to face the disciplinary enquiry without any cogent reason. I find that the findings of the enquiry officer are also perverse, baseless, arbitrary and based on surmises and conjectures. The Enquiry Officer did not consider the evidence properly. I find that the evidence was unreliable and unconvincing. He also wrongly shifted the burden on the workman to prove his innocence which was against all the norms of law. The workman was also unnecessarily cross-examined. I find that these aspects of the case were also not considered by the disciplinary authority as well as the Appellate Authority. After considering the entire facts and evidence on record I find that the Enquiry was merely a sham show. Issue No. 1 is disposed of accordingly.

ISSUE NO. 2

9. After holding that the very initiation of the disciplinary proceeding was baseless, un-warranted and uncalled for, I find no justification to allow the management to lead any further evidence in support of the charge levelled against the workman. I have already found that the findings of the enquiry officer are perverse and based on surmises and conjectures which cannot be accepted. I have also perused the evidence of the management produced during the enquiry as well as before this court. I also find that the disciplinary authority before passing the impugned order did not consider the facts, evidence and circumstances of the case properly. He also did not follow mandatory provisions of the standing order No. 30.5.6 which provides that :—

“In awarding punishment under this standing order the Manager shall take into account gravity of misconduct, previous record if any of the workman and any other extenuating or aggravating circumstances that may exist.”

He did not consider the fact that the alleged eye witness of theft Shri Kanwar Singh was not in position to identify and recognise by face the persons committing theft. He also did not consider the fact that nothing was recovered from the possession of the workman nor any FIR etc. was lodged against him. Nobody will believe that after leaving his duty at 10 P.M. the workman will go or remain there till 4 A.M. for committing the theft of petrol. It was also not disclosed as to what was quantity of the petrol stolen. The Disciplinary Authority awarded the extreme penalty of dismissal without considering these facts. A case of theft is an act/ misconduct/offence of such a nature that if it so proved beyond all doubt it involves moral turpitude. Therefore, in order to prove charge of theft there must be cogent, sufficient and convincing evidence to prove the charge beyond all shadow of doubt. In the instant case I find that the evidence was most shaky, unreliable and insufficient, to prove the charge against the workman beyond all doubt. The Management has failed to establish the charge against the workman. I also find that

arbitrariness and biasness of the management reflects from all corners of the case from the very beginning till the end. Therefore the punishment awarded to the workman cannot be legally sustained.

10. In view of the above discussions I hold that the action of the Management of M/s B.P.C.L. in terminating the services of Shri Pardeep Kumar Chopra w.e.f. 10-1-95 was arbitrary and illegal; in any view of the case it cannot be legally justified. Therefore, the order of the management deserves to be quashed and the workman is entitled to be reinstated in service with continuity in service, full back wages and all other consequential benefits within a period of 30 days after publication of the award in the Official Gazette. Award accordingly.

Dated : 26-3-2004 B. N. PANDEY, Presiding Officer
नई दिल्ली, 8 अप्रैल, 2004

का०आ० 1104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै० एलाइंस एअर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्नई के पंचाट (संदर्भ संख्या 604/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2004 को प्राप्त हुआ था।

[सं० एल०-11012/32/2001-आई०आर० (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 8th April, 2004

S.O. 1104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 604/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of M/s. Alliance Air and their workman, which was received by the Central Government on 7-4-2004.

[No. L-11012/32/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Thursday, the 21st August, 2003

PRESENT:

Shri K. Jayaraman, Presiding Officer
Industrial Dispute No. 604/2001

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of M/s. Alliance Air and their workman Sri K. Elango)

BETWEEN:

Sri K. Elango : I Party/Workman
C/o The President,
Southern Employees Association

AND:

The Manager (Grd. Opns), : II Party/
M/s. Alliance Air, Management
[Subsidiary of Indian Airlines Ltd.]
IAL Domestic Cargo Complex, Chennai.

APPEARANCES:

For the workman : M/s. K.V.
Krishnaswamy
& S. Sulakshana,
Authorised
Representatives

For the Management : M/s. N.G.R.
Prasad,
S. Vaidyanathan
& W. T.
Prabhakar,
Advocates

The Central Government, Ministry of labour vide Notification Order No. L-11012/32/2001-IR (C-1) dated 10-08-2001 has referred the following dispute to this tribunal for adjudication:—

“Whether the action of the management M/s. Alliance Air in terminating the services of the workman Shri K. Elango is justified? If not, to what relief is he entitled to?”

2. The matter was taken up on the file of this Tribunal as I.D. No. 604/2001 and notices were issued to both parties. Even though the workman appeared through an authorised representative at the first instance and filed claim Statement, he has not appeared for enquiry subsequently. The authorised representative also reported ‘no instruction. After that this Tribunal has issued notices, but the Petitioner has not appeared before this Court nor anybody representing the Petitioner. It appears that the Petitioner/Workman is not interested in pursuing the matter.

3. In view of the above circumstances, the present reference is returned to Ministry for want of prosecution. The Central Government is informed accordingly.

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2004

का. आ. 1105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जम्मू रूल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या आई०डी० 130/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-04-2004 को प्राप्त हुआ था।

[सं० एल०-12011/25/1992-आई०आर० (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 8th April, 2004

S.O. 1105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. 130/92) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial

Dispute between the employers in relation to the management of Jammu Rural Bank and their workman, which was received by the Central Government on 7-4-2004.

[No. L-12011/25/92-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, CHANDIGARH

Presiding Officer : SHRI S. M. GOEL

Case No. I.D. 130/92

Shri Rachhpal Chaudhary, General Secretary, Jammu Rural Bank Employees Association, VPO Magowali, Teh. R.S. Pura, District Jammu. ...Applicant

Versus

The Chairman, Jammu Rural Bank, Town Hall Building, Jammu Tawi. ...Respondent

Appearance

For the Workman: Shri Mukesh Alhuwalia

For the Management : Shri Ashok Jagga

AWARD

(Passed on 24-03-04)

Central Govt. Vide No. L-12011/25/92-IR(B.3) dated 15/16-10-1992 has referred the following dispute to this tribunal for adjudication :

“Whether the action of the management of Jammu Rural Bank Represented by their Chairman, in not promoting the eligible workmen against departmental quota laid down in recruitment and promotion policy of the bank is justified? If not, to what other relief the workmen are entitled to and from what date?”

2. The Union in the claim statement pleaded that a promotion policy was circulated by NABARD vide letter dated 31-12-1984 according to which the eligible employees should be promoted to the ratio of 50% by promotion. Policy was further amended from time to time. It is further pleaded that Management has not cleared the backlog of 55% as per promotion policy of 31-12-1984 according to which the backlog should be cleared by 7th or 8th year. It is further pleaded that after 1985 no direct recruitment was made but in August, 1987 three senior clerks were promoted and there was a back log of 52 vacancies and there are 105 posts have to be remained in the bank and if this number comes down due to some reasons the management should fill these vacancies. It is also pleaded that 9 vacancies were created in April, 1990 but the management refused to promote the workmen despite individual representation and the members of the Union have been discriminated. The circular/Policy dated 31-12-1984 was not circulated and due to this the effected employees were not given promotions. It is prayed by the Union that the management may be directed to implement the circular in letter and spirit and the appointments made after the issuance of the circular be declared as illegal.

3. In the Written Statement the management pleaded

that the policy dated 31-12-1984 was neither given any retrospective effect and nor the same invalidate the appointments of field supervisor made by the Bank prior to the receipt of the policy. The management pleaded that after the said guidelines the management has not committed any violation. It is admitted that in 1995 the management recruited 58 field supervisors and these appointments were made in equal numbers from direct recruitment and by promotion and the management has not made any more appointments and there was not backlog and concept of carried forward the backlog came into being only with the promotion policy of 1984 and number of vacancies filled up after the promotion policy has been going on almost equal from amongst the direct recruits and promotee. It is further pleaded that the promotions and appointments of field officers/supervisors are covered under the guidelines issued by the NABARD dated 8-9-1986 taking into accounts the number of accounts with the particular branch and vide letter dated 5-12-1991 the sponsor bank refused to sanction fresh posts of field supervisors on the plea that there were 96 field supervisors against the 94 branches and even relaxation upto 50% would not create any scope for fresh promotions for the post of field supervisors. Vide letter dated 23-8-1990 the sponsor bank it was made clear that promotion should not be made under any circumstances and sanctioning of fresh posts was specifically declined by the NABARD. It is further pleaded that there has not been any discrimination and as and when the bank will be permitted to make promotions the same will be allowed to the applicants as per the law and procedure and it is prayed that there is no merit in the reference and the same deserves rejections.

4. Replication was also filed by the Union almost reiterating the same facts as made in the claim statement.

5. In evidence the Union produced WWI Rashpal Chaudhary who filed his affidavit Ex. W1 and documents including promotion policy from Ex. W2 to W10. In cross-examination it is admitted by the witness WWI that prior to promotion policy of 1987 the recruitments were made equally from the direct recruitment and by promotion in the fifty percent basis. It is also admitted by this witness that this policy Ex. W2 was served to the bank in the year 1988. In rebuttal the management/produced MW1 K. N. Sheer who filed his affidavit Ex. M1 and documents Ex. M2 to M10. In cross-examination it is deposed by MW1 that quota available up to 1987 was fully exhausted and there was no provision for carry forward of any unexhausted quota. It is admitted that NABARD guidelines for promotion are applicable to the Jammu Rural Bank and it is deposed by the witness that promotion policy of 1988 was complied with and there is no vacancy of any OJM available in the bank now.

6. I have heard the learned counsels for the parties and have gone through the evidence and record of the case. The learned counsel for the workmen has argued that the bank has not promoted the eligible workmen against departmental quota laid down in the recruitment and promotion policy of the bank which is Ex. W2 and the members of the union suffered a loss on this count. It is further argued by the learned counsel for the Workmen/Union that the management has not complied with the

promotion policy Ex. W2 in its letter and spirit and the same should be adhered to. On the other hand the learned counsel for the management has argued that the management has complied with the promotion policy from the date it has been received by the management and there is no provision of backlog and it can not be implemented retrospectively. I have gone through the promotion policy. As per this policy posts of officers are to be filled in the ratio of 50% by direct recruitment and 50% by promoting the eligible field officers as per the policy. This Tribunal as per the reference is only concerned that the promotion policy should be adhered to by the bank in its letter and spirit. The stand of the management is that the promotion policy has been fully adhered to. However, the learned counsel for the management has also pointed out that from time to time the policy has been revised and presently there is total ban on the promotions etc., as per directions of the Reserve Bank of India.

7. Thus considering the contentions of the learned counsels is of the parties I conclude that the Jammu Rural Bank Represented by Chairman has adhered to in promoting the eligible workmen against departmental quota laid down in promotion policy of the bank. My attention has been drawn to Ex. W2 to W5 by the learned counsel for the workman. He argues that as per NABARD policy stated in these documents, the beneficiaries as they existed on 31-12-1984 should be given to the eligible workmen which the bank has not done so far. I am of the considered opinion that the Union of Jammu Rural Bank Employees Association should put up a concrete case before the management stating the details of all the eligible workmen who are entitled for promotion etc. as on 31-12-1984 till this policy was superseded. In principle the learned counsel for the management stated that they are bound to honour the policies which were laid down by the NABARD on 31-12-1984 and from time to time till it was superseded. I am therefore, of the opinion that Union should approach the management for implementing the policy with regard to the eligible candidates who were entitled to promotion on 31-12-1984 and onward till this policy superseded. The management is directed to implement this policy if it has not done as yet within three months from the date of the publication of the award. Otherwise it is not justified on their part. The reference is answered accordingly. Central Govt. be informed.

Chandigarh. 24-3-2004 S. M. GOEL, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2004

का. आ. 1106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ टोक्यो मित्सुबिसी लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट (संदर्भ संख्या 22/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-04-2004 को प्राप्त हुआ था।

[सं. एल.-41024/01/2002-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 8th April, 2004

S.O. 1106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.22/2002) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Tokyo Mitsubishi Ltd. and their workmen, which was received by the Central Government on 7-4-2004.

[No. L-41024/01/2002-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 22 of 2002

Parties : Management of Bank of Tokyo-Mitsubishi Limited at Kolkata, Mumbai

AND

Their Workmen

Present : Mr. Justice Hrishikesh Banerji

.... Presiding Officer

Appearance

On behalf of Management : Mr. R. N. Majumdar,
Advocate with
Mr. A. E. Eajjullabhoy,
Advocate,
Mr. S. Prabhakar, Advocate
and
Mr. S. Roy, Advocate.

On behalf of Workmen : Mr. P. S. Sengupta,
Advocate, with
Mr. M. Dutta,
Advocate and
Ms. K Das, Advocate.

State : West Bengal, Industry : Banking

Dated : 31st March, 2004

AWARD

By order No. L-41024/01/2002-IR(B.I.) dated 7th October, 2002 the Central Government in exercise of its powers under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“(i) Whether the closure of Calcutta Branch of Bank of Tokyo-Mitsubishi Limited is illegal and unjustified?

(ii) Whether the termination of 47 employees working in the said branch, list whereof is annexed for identification purposes on 6th August, 2002 is illegal and unjustified and the said employees are entitled to reinstatement with full back wages and consequential benefits?”

List of Workmen, working at Bank of Tokyo-Mitsubishi Ltd. on the day of closure (06-08-2002)

Sl. No.	Name	Date of Birth	Date of Joining	Designation	Completed Yrs. of Service	Remaining Yrs. of Service
1.	A. Burman	18-12-1944	18-12-1967	Spl. Assistant	35	2
2.	C. Prasad	03-01-1949	01-01-1971	Head Peon	32	7
3.	A. P. Singh	11-06-1950	01-07-1997	Electrician	5	8
4.	S. Khan	02-07-1950	01-08-1973	Head Peon	29	8
5.	Madan M. Debey	02-03-1951	01-03-1976	Head Peon	26	9
6.	Man M. Debey	01-04-1954	01-04-1980	Head Peon	22	12
7.	J. Sanyal	08-07-1955	02-04-1979	Spl. Assistant	23	13
8.	P.K. Ghatak	16-01-1955	17-08-1981	Spl. Assistant	21	13
9.	S. Roy	28-11-1955	08-07-1976	Spl. Assistant	26	13
10.	G. Shaw	01-01-1956	01-07-1977	Head Peon	25	14
11.	T.K. Chakraborty	30-09-1956	17-08-1981	Spl. Assistant	21	14
12.	D. K. Das	01-01-1958	15-02-1983	Spl. Assistant	19	15
13.	P. K. De	16-10-1957	17-05-1982	Spl. Assistant	20	15
14.	P. Dutta	22-08-1958	01-12-1989	Spl. Assistant	13	16
15.	Rina Ray	24-04-1958	01-07-1999	Head Clerk	3	16
16.	Shibabrata Ghosh	01-01-1958	17-05-1982	Spl. Assistant	20	16
17.	E. Khan	01-12-1959	01-06-1985	Driver	17	17
18.	K. Majumdar	30-05-1961	02-04-1983	Spl. Assistant	19	19
19.	S. Dhawa	08-08-1961	01-05-1996	Head Clerk	6	19
20.	Z. Ahmed	17-04-1961	01-04-1993	Assistant	9	19
21.	B. Pal	15-04-1962	04-02-1987	Spl. Assistant	16	20
22.	D. Ghosh	22-01-1963	15-12-1997	Electrician-cum-Peon	5	20
23.	P. Nathvani	01-01-1962	02-07-1986	Spl. Assistant	16	20
24.	S. Ghosh(2)	21-07-1962	01-03-1990	Spl. Assistant	12	20
25.	T.N. Ram	08-02-1962	11-12-1986	Head Peon	16	20
26.	A. Darnal	15-04-1963	01-08-1996	Driver	6	21
27.	D. Chakraborty	25-05-1964	01-12-1989	Head Peon	13	22
28.	Md. Ehsan	15-06-1964	15-12-1997	Driver/Peon	5	22
29.	B. Das	03-04-1965	05-07-1987	Head Peon	15	23
30.	M. Mullamithawala	29-10-1965	01-04-1990	Spl. Assistant	12	23
31.	S. Sadique	23-11-1965	05-09-1990	Spl. Assistant	12	23
32.	K. Brahmachari	02-03-1966	01-05-1996	Peon	6	24
33.	S. Shaw	28-12-1967	09-01-1997	Peon	6	25
34.	S. Chatterjee	10-12-1968	04-11-1996	Head Clerk	6	26
35.	V. Singh	02-08-1968	15-01-1999	Driver/Peon	4	27
36.	G. Das	02-02-1970	01-08-1996	Peon	4	27
37.	Sarmistha Ghosh	06-09-1971	01-06-1996	Head Clerk	6	29
38.	M. Das	09-09-1972	01-06-1995	Head Clerk	7	30
39.	P.K. Chatterjee	29-11-1972	01-06-1996	Head Clerk	6	30
40.	I. Chakraborti	30-12-1973	03-09-1998	Head Clerk	4	31
41.	S. Chowdhury	25-11-1973	01-07-1997	Head Clerk	5	31
42.	A. Rudra	20-02-1974	01-07-1997	Head Clerk	5	32
43.	S. Talukdar	29-08-1974	01-07-1997	Head Clerk	5	32
44.	Dona Chakraborty	27-10-1975	01-03-1999	Head Clerk	3	33
45.	Jagat Gupt	11-03-1978	01-09-2000	Peon	2	36
46.	N. Behera	17-03-1978	03-10-1998	Peon	4	36
47.	S. Mondal	12-10-1977	03-10-1998	Peon	4	36

2. When the case is called out today, learned Advocates appearing for the parties refer to the joint application filed on 29-03-2004 praying for a 'No Dispute Award' wherein it is stated that the dispute under reference has been settled between the parties. A memorandum of settlement dated 29-03-2004 is also annexed to the said joint petition. They accordingly pray for passing a 'No Dispute Award'.

3. Upon consideration of the submission of the learned Advocates for the parties and also the joint application dated 29-03-2004, I dispose of the present reference by passing a 'No Dispute Award'.

4. The joint application dated 29-03-2004 alongwith its enclosures is made part of this Award as Annexure-I.

6. The reference is accordingly disposed of.

Dated, Kolkata,

The 31st March, 2004

HRISHIKESH BANERJI, Presiding Officer

Annexure-I

**BEFORE THE HON'BLE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, 20 B, ABDUL HAMID STREET, 1ST
FLOOR, KOLKATA-700 069.**

IN THE MATTER OF:

**ALL INDIA BANK EMPLOYEES' ASSOCIATION
(AIBEA)**

3B, Lal Bazar Street, Kolkata-700 001.

Through Kamal Kumar Bhattacharyya

**THE BANK OF TOKYO LTD. EMPLOYEES'
ASSOCIATION (BOT ASSOCIATION)**

Through its Secretary Shri Kuntal Majumdar and Joint
Secretary Shri Biswajit Pal

AND

THE BANK OF TOKYO MITSUBISHI LTD., (BOTM)

Jeevan Vihar, 3, Parliament Street,

New Delhi-110 001.

REFERENCE NO. 22 OF 2002

JOINT APPLICATION

MOST RESPECTFULLY SHOWETH:

1. That the management of BOTM and Bank of Tokyo Ltd. Employees' Association have entered into a Memorandum of Settlement dated 29th March, 2004 under the provisions of the Industrial Dispute Act, 1947 and the rules framed thereunder.

2. That in view of the aforesaid Memorandum of Settlement between the parties, all the claims of the Bank of Tokyo Ltd. Employees' Association/Workmen including those raised in the present industrial dispute being Reference No. 22 of 2002 stand satisfied and fully and finally settled between the parties and the parties pray for a 'No Dispute Award' in terms of the said Memorandum of Settlement dated 29th March, 2004.

It is prayed accordingly

(1) THE BANK OF TOKYO MITSUBISHI LTD.
PLACE : KOLKATA
DATED : 29th March 2004

(General Manager)

(2) THE BANK OF TOKYO LTD. EMPLOYEES'
ASSOCIATION

(Kuntal Mazumdar)
Secretary
(Biswajit Pal)
Joint Secretary

(3) ALL INDIA BANK EMPLOYEES' ASSOCIATION
(AIBEA)

(Kamal Kumar Bhattacharyya)
Joint Secretary

FORM-H

MEMORANDUM OF SETTLEMENT

Under Section 2(P) and Section 18(1) of the Industrial Dispute Act, 1947 arrived on 29th March 2004, between The Bank of Tokyo Mitsubishi, Ltd. ("BOTM") and Bank of Tokyo Ltd. Employees' Association ("Association") affiliated to All India Bank Employees' Association

("AIBEA")

Name of the Parties :

The Bank of Tokyo Ltd. Employees' Association

Through its Secretary, Mr. Kuntal Majumdar and
Joint Secretary, Mr. Biswajit Pal

... Claimant/Workmen

And

The Bank of Tokyo Mitsubishi, Ltd.,

Jeevan Vihar, 3, Parliament Street,

New Delhi-110001

... Management

Representing the Management

Representing the Workmen

Mr. H. Yanagisawa
Mr. Kuntal
Majumdar, Secretary
and Mr. Biswajit
Pal, Jt. Secretary of
the Bank of Tokyo
Employees'
Association

SHORT RECITAL OF THE CASE

1. That M/s. The Bank of Tokyo Mitsubishi Ltd. ("BOTM") had one of its branches in Calcutta. Pursuant to a global strategic review the Calcutta branch of BOTM was closed w.e.f. the close of business hours on 06-08-2002. As a result of the said closure, the services of the 47 workmen employed in the Calcutta branch of BOTM were also terminated. All these workmen were the members of the Bank of Tokyo Ltd. Employees' Association, Calcutta ("Association") and hence authorized it to raise an industrial dispute on their behalf. Accordingly, the Association raised an industrial dispute before the Regional Labour Commissioner (Central), Calcutta with respect to the closure of the Calcutta branch of BOTM and the consequent termination of the 47 workmen. The All India Bank Employees' Association (AIBEA) also represented the workmen and the Union before the Regional Labour Commissioner (Central).

2. That pursuant to the order of the Hon'ble High Court, Bombay in Civil Writ Petition No. 2540/2002, the Central Government in exercise of powers conferred upon it by Section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to the Central Government Industrial Tribunal (CGIT), Calcutta :—

- (i) Whether the closure of the Calcutta branch by BOTM is illegal and unjustified?
- (ii) Whether termination of 47 employees working in the said branch, list whereof is annexed for identification purposes, on 06-08-2002 is illegal and unjustified and the said employees are entitled to reinstatement with full back wages and consequential benefits."

3. That the aforesaid industrial dispute is numbered as Reference No. 22 of 2002 and is presently pending before the Central Government Industrial Tribunal (CGIT), Calcutta. In the meanwhile the Association after being consented for out of the court settlement by the All India Bank Employees' Association had negotiation with BOTM.

4. That the compensation packages offered by BOTM and accepted by the Association for and on behalf of all the sub-staff and clerical cadre as full and final settlement are enclosed and marked as Annexure-A and Annexure-B respectively.

5. That both the parties have mutually agreed to amicably enter a settlement under the Industrial Disputes Act, 1947 on the terms and conditions enumerated hereunder :

TERMS OF SETTLEMENT

1. That the Management has paid to the concerned workmen whose names are mentioned in the list below, the amounts as stated against their names, the receipt of which they do hereby individually acknowledge :

Sr. No.	Name of Workmen	Amount of cheque (after deduction of Income Tax at Source)	Details of cheque, including number and date	Name of Bank
1	2	3	4	5
1	Ms. Anjali Burman	939464.00	Chq. No. 106629 Dated 29-3-2004	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
2	Ms. Sharmistha Ghosh	489029.00	Chq. No. 106630 Dated 29-3-2004	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
3	Ms. Sukla Roy	1,896,835.00	Chq. No. 1066301 29-3-04- Rs. 338,991.- and Chq. No. 106602 Dated 29-3-04 -Rs. 1,557,844.-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
4	Ms. Jayanta Sanyal	1,603,326.00	Chq. No. 106603 dt. 29-3-04 Rs. 556,504- and Chq. No. 106604 Dated 29-3-04 -Rs. 1,046,822-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi

1	2	3	4	5
5	Mr. Prabir Kumar Ghatak	1,508,962.00	Chq. No. 106605 dt. 29-3-04 Rs. 585,215— and Chq. No. 106606 dt. 29-3-04- Rs. 923,747	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
6	Mr. Pradipta Chatterjee	827,494.00	Chq. No. 106551 Dated 29-3-2004 Rs. 827,494/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
7	Mr. Pranab Kumar De	1,508,814.00	Chq. No. 106558 Dated 29-3-2004 Rs. 1,508,814—	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
8	Mr. Shibabrata Ghosh	1,564,684.00	Chq. No. 106559 Dated 29-3-2004 Rs. 1,564,684—	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
9	Mr. Dilip Kumar Das	1,428,759.00	Chq. No. 106609 Dated 29-3-2004 Rs. 798,594— and Chq. No. 106610 dt. 29-3-04- Rs. 630,165—	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
10	Mr. Kuntal Majumdar	1,439,058.00	Chq. No. 106611 Dated 29-3-2004 Rs. 776,146— and Chq. No. 106612 dt. 29-3-04- Rs. 662,912/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
11	Mr. Pradip Nathvani	1,386,094.00	Chq. No. 106564 Dated 29-3-2004 Rs. 367,059/- and Chq. No. 106565 dt. 29-3-04- Rs. 1,019,035—	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
12	Mr. Biswajit Pal	1,302,853.00	Chq. No. 106566 Dated 29-3-2004 Rs. 440,000/- and Chq. No. 106567 dt. 29-3-04- Rs. 862,853—	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
13	Mr. Prodyut Dutta	894,236.00	Chq. No. 106613 Dated 29-3-04 Rs. 761,137/- and Chq. No. 106614 dt. 29-3-04- Rs. 133,099—	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
14	Mr. Sumita Sadique	1,068,597.00	Chq. No. 106572 Dated 29-3-04 Rs. 563,075/- and Chq. No. 106573 dt. 29-3-04- Rs. 532,522/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi

1	2	3	4	5
15	Ms. Mariyam Mullamithawala	1,066,993.00	Chq. No. 106570 Dated 29-3-04 Rs. 645,197/- and Chq. No. 106571 dt. 29-3-04- Rs. 421,796/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
16	Mr. Subhash Talukdar	813,693.00	Chq. No. 106574 Dated 29-3-04 Rs. 813,693/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
17	Ms. Abhinanda Rudra	804,930.00	Chq. No. 106575 Dated 29-3-04 Rs. 804,930/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
18	Ms. Suparna Chowdhury	835,234.00	Chq. No. 106576 Dated 29-3-04 Rs. 835,234/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
19	Mr. Indranil Chakraborty	707,522.00	Chq. No. 106577 Dated 29-3-04 Rs. 707,522/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
20	Ms. Dona Chakraborty	683,874.00	Chq. No. 106578 Dated 29-3-04 Rs. 683,874/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
21	Ms. Rina Ray	426,839.00	Chq. No. 106579 Dated 29-3-04 Rs. 426,839/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
22	Mr. Chandrama Prasad	1,358,434.00	Chq. No. 106580 Dated 29-3-04 Rs. 618,400/- and Chq. No. 106581 dt. 29-3-04 Rs. 740,034/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
23	Mr. Gopal Shaw	1,179,090.00	Chq. No. 106582 Dated 29-3-04 Rs. 94,130/- and Chq. No. 106583 dt. 29-3-04 Rs. 1,084,960/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
24	Mr. Basant Kumar Das	765,823.00	Chq. No. 106584 Dated 29-3-04 Rs. 613,484/- and Chq. No. 106625 dt. 29-3-04 Rs. 152,339/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
25	Mr. Debashish Chakraborty	738,933.00	Chq. No. 106585 Dated 29-3-04 Rs. 738,933/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
26	Mr. Kalachand Brahmachari	445,394.00	Chq. No. 106586 Dated 29-3-04 Rs. 445,394/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
27	Mr. Anirudra Darnala,	419,319.00	Chq. No. 106587 Dated 29-3-04 Rs. 419,319/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi

1	2	3	4	5
28	Mr. Ganesh Chandra Das	543,493.00	Chq. No. 106589 Dated 29-3-04 Rs. 18,784/- and Chq. No. 106590 dt. 29-3-04 Rs. 524,709/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
29	Mr. Amarjit Prasad Singh	238,172.00	Chq. No. 106591 Dated 29-3-04 Rs. 238,172/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
30	Mr. Dulal Ghosh	394,627.00	Chq. No. 106592 Dated 29-3-04 Rs. 394,627/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
31	Mr. Vikram Singh	525,844.00	Chq. No. 106595 Dated 29-3-04 Rs. 525,844/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
32	Mr. Madan Mohan Dubey	1,102,946.00	Chq. No. 106598 Dated 29-3-04 Rs. 1,102,946/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
33	Mr. Jagat Gupt	489,952.00	Chq. No. 106596 Dated 29-3-04 Rs. 489,952/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
34	Mr. Subrata Ghosh	1,009,579.00	Chq. No. 106615 Dated 29-3-04 Rs. 1,009,579/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
35	Mr. Swapan Mondal	497,174.00	Chq. No. 106594 Dated 29-3-04 Rs. 497,174/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
36	Mr. Md. Ehsan	458,139.00	Chq. No. 106593 Dated 29-3-04 Rs. 458,139/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi
37	Mr. Man Mohan Dubey	1,075,951.00	Chq. No. 106597 Dated 29-3-04 Rs. 1,075,951.00/-	The Bank of Tokyo-Mitsubishi Ltd., New Delhi

The Balance Workmen will also be paid the full & final settlement as per the Compensation Package Annexed hereto.

1.1 The aforesaid amounts do not include Provident Fund, Gratuity, Leave Encashment and Pension which shall be paid to the workmen shortly.

2. The Association, representing the workmen and the workmen for each of themselves state that they have accepted the aforesaid amounts being paid to the workmen in the full and final settlement of all their claims/dues/benefits/entitlements etc., with the Management including all the reliefs arising out of the present industrial dispute.

3. That in consideration of the above stated amounts, the Association and AIBEA, as well as each individual workmen will not question the validity of the

closure of the Calcutta branch on 06-08-2002 as well as their consequent termination. They shall have no claim, complaint, grievance against the BOTM in regard to the closure and they will not be entitled to raise any dispute or claim whatsoever against the BOTM including the claim for reinstatement. The Reference No. 22 of 2002 pending before the CGIT, Calcutta shall stand fully satisfied and fully and finally settled. The Association and AIBEA further state and declare that they have espoused the industrial dispute on behalf of all the 47 workmen and they have also been authorized by way of a resolution passed under the rules of the Association to enter into a full and final settlement with BOTM and pray for a 'No Dispute Award' in terms of settlement in

the Reference No. 22 of 2002. AIBEA have also ratified the resolution. A copy of the said resolution dated 28th March, 2004 passed by the Association is annexed to this Memorandum of Settlement as Annexure C.

4. That after this settlement, the Association, AIBEA or any of the workmen shall not be entitled either by themselves or through any other person to raise any industrial dispute/claim/complaint including that for reinstatement and/or matter incidental to the closure of Calcutta Branch of BOTM or termination or terms of employment or conditions of labour of the 47 employees before any Authority/Forum/Court and the I.D. No. 22 of 2002 or any other claim/complaint filed in this behalf stands fully satisfied and withdrawn. Any other dispute/claim/complaint etc., which the workmen/ Association/AIBEA may have signed, filed and/or raised and/or that may be pending before any Authority, Court, Tribunal etc., shall also be deemed to be fully and finally settled.

5. That the present settlement is being entered into between the parties under the provisions of the Industrial Disputes Act, 1947 and the rules framed thereunder and both the parties have equally bound themselves to comply with the provisions and the terms of the settlement. However, the mere non-compliance with any procedure, if any, will not be a ground to resile from the settlement and both the parties would be equally bound by it at all times.

6. That BOTM agrees to pay to the concerned workmen their dues towards Gratuity, Provident Fund, Pension and Leave Encashment shortly.

7. Amount as paid in terms of clause 1 of the Terms of Settlement is after deduction of Income Tax.

8. That some of the workmen had availed of housing loans from the Calcutta Branch of BOTM and the housing loan had become due and payable on the termination of their services. Such of the workmen have entered into fresh housing loan agreements, the contents of which may be read as a part of this settlement and are not being reproduced for the sake of brevity.

9. That parties in view of this settlement agree to submit a Joint Application to the Central Government Industrial Tribunal, Kolkata (Ref. No. 22 of 2002) for passing a 'No Dispute Award' in Reference No. 22 of 2002.

Signature of the Parties
For and on behalf of the Management
For and on behalf of Workmen

Witness:

Sd./ 1. B. M. Chhabra
Sd./ 2. Jagnath Sanyal

ANNEXURE-A

COMPENSATION PACKAGE

(Applicable to workmen in sub-staff category)

1. Please note that the amounts indicated in the sheet do not represent the exact net amount to be disbursed to you. The Bank reserves the right to recover any amounts that are lawfully due to it from you, but are not indicated in this sheet either before or after making the payment of the amount due to you. The figures in the sheets have been rounded off to the nearest rupee.

2. Salary for August 2002 has been computed for 6 days i.e. up to the date of closure based on salary for July 2002.

3. You are entitled to one-month notice as per law. Accordingly, payment in lieu of notice period has been computed on the basis of salary of July 2002.

4. Ex-gratia has been computed as 2.5 times the Closure Compensation plus an additional ex-gratia payment of one month's wages for each year of service remaining balance in accordance with the Bank's offer in September 2002.

5. Closure Compensation has been calculated as half month's salary for each completed year of service or part thereof, exceeding 6 months, in accordance with the provisions of the Industrial Disputes Act, 1947.

6. The Additional Settlement Compensation has been worked out based on the final amount negotiated between the Bank and the Workmen's Union represented by Mr. Kuntal Majumdar, in the proportion of the total ex-gratia amount payable to workmen as mentioned in para (4) above and includes any bonus payable or any other dues you may be entitled to in terms of your employment contract or the bipartite settlement. Life Insurance premium paid by the Bank on your behalf for August 2002 till December, 2002 is being separately paid to you as "Insurance Premium Compensation".

7. Deduction of Provident Fund and Profession Tax for August 2002 (6 days) has been made from the salary for August 2002 in accordance with the respective laws.

8. Income-tax has been deducted from the amount payable to you at the rates prevalent for the Financial Year 2003-04 (Assessment Year 2004-05). Please note that no income-tax has presently been deducted for the perquisite on all loans availed by you at a concessional rate of interest. The Bank shall recover the same from you at the time of payment of net amount due to you. Please also note that the income-tax deducted is inclusive of the income-tax on the taxable portion of gratuity due to you.

9. Life Insurance Premiums on insurance policies paid by the Bank on your behalf for the months of

August, 2002 to December, 2002, have been deducted from the amount payable to you.

10. Please note that the amount of Gratuity payable to you has been determined as the higher of the gratuity payable under the payment of Gratuity Act, 1872 and the Gratuity payable under the Bipartite Settlement of the Banking Industry. The exemption in respect thereof has been calculated under Section 10(10) of the Income-tax, Act, 1961. The gratuity, net of income tax (wherever applicable) will be paid to you by the Gratuity, Fund after completion of the necessary formalities and the Trustees.

11. Balance in your Provident Fund account will also be disbursed to you by the respective trust, separately after computation thereof.

12. The amount of annuity mentioned under "Additional Amounts due to you" is merely a notional indication and the same is payable by the bank's pension fund to the Life Insurance Corporation of India (LIC) for purchase of annuity in order to pay monthly pension to you effective from the date of termination of your services on 6th August, 2002. Furthermore, the amount of annuity to be purchased for pension and the monthly pension to be paid to you have been worked out making certain assumptions as to your marital status and your spouse's date of birth. The final figures of the pension to be paid to you are likely to be based on the exact information that you will provide to the Bank on the two points mentioned above. Workmen in the sub-staff category shall be entitled to a minimum pension of Rs. 2,500/- irrespective of their length of service.

13. Privilege leave to be encashed by you will be calculated in accordance with the Bank's policy, after ascertaining the privilege leave to your credit as on the date of closure.

14. Sick leave to be encashed by you, at the rate of one day for every two days of sick leave due on full pay basis, will be calculated after ascertaining the sick leave to your credit as on the date of closure.

15. Please note that income-tax, at the rates applicable, will be deducted from the privilege leave encashment and sick leave encashment as and when the same is paid to you.

16. All loans (other than Housing Loan) together with interest accrued thereon* (calculated upto 25-3-2004) shall be deducted from the amounts due to you.

*Exact amounts to be worked out at the time of settlement of your dues.

17. The Housing Loan will be payable by you as per the original terms and conditions of the sanction. However, outstanding instalments of the loan payable (upto March, 2004) and interest accrued thereon*

(calculated upto 25-03-2004) shall be deducted from the amounts due to you. Furthermore, you will have to provide 100 per cent security cover against the outstanding loan by way of fixed deposit with the Bank's New Delhi branch and/or National Savings Certificates and/or Central Government Securities. Part/full pre-payment of loan is acceptable to the Bank without any penal charges.

*Exact amounts of overdue instalments and interest to be worked out at the time of settlement of your dues.

18. The amount payable to you by way of 10 years' mediclaim premium has been worked out for a policy of Rs. 1,00,000 cover for you, your spouse and two dependent children. This is based on certain assumptions as to your marital status, your spouse's date of birth and that you have two dependent children.

This statement has been prepared only on the basis of the information and explanations received from time to time and is based on the accuracy of the information contained herein. In case the same is not accurate, please inform the Management within 30 (thirty) days of date of receipt of these calculations.

ANNEXURE-B

COMPENSATION PACKAGE

(Applicable to workmen in clerical category)

1. Please note that the amounts indicated in the sheet do not represent the exact net amount to be disbursed to you. The Bank reserves the right to recover any amounts that are lawfully due to it from you, but are not indicated in this sheet either before or after making the payment of the amount due to you. The figures in the sheets have been rounded off to the nearest rupee.

2. Salary for August 2002 has been computed for 6 days i.e. upto the date of closure based on salary for July 2002.

3. You are entitled to one-month notice as per law. Accordingly, payment in lieu of notice period has been computed on the basis of salary of July 2002.

4. Ex-gratia has been computed as 2 times the Closure Compensation plus an additional ex-gratia payment of one month's wages for each year of service remaining balance in accordance with the Bank's offer in September 2002.

5. Closure Compensation has been calculated as half month's salary for each completed year of service or part thereof, exceeding 6 months, in accordance with the provisions of the Industrial Disputes Act, 1947.

6. The Additional Settlement Compensation has been worked out based on the final amount negotiated between the Bank and the Workmen's Union represented by Mr. Kuntal Majumdar, in the proportion of the total

ex-gratia amount payable to workmen as mentioned in para (4) above and includes any bonus payable or any other dues you may be entitled to in terms of your employment contract or the Bipartite Settlement. Life insurance premium paid by the Bank on your behalf for August 2002 till December 2002 is being separately paid to you as "Insurance Premium Compensation".

7. Deduction of Provident Fund and Profession Tax for August 2002 (6 days) has been made from the salary for August 2002 in accordance with the respective laws.

8. Income-tax has been deducted from the amount payable to you at the rates prevalent for the Financial Year 2003-04 (Assessment Year 2004-05). Please note that no income-tax has presently been deducted for the perquisite on all loans availed by you at a concessional rate of interest. The Bank shall recover the same from you at the time of payment of net amount due to you. Please also note that the income-tax deducted is inclusive of the income-tax on the taxable portion of gratuity due to you.

9. Life Insurance Premiums on insurance policies paid by the Bank on your behalf for the months of August 2002 to December 2002, have been deducted from the amount payable to you.

10. Please note that the amount of Gratuity payable to you has been determined as the higher of the gratuity payable under the payment of Gratuity Act, 1872 and the Gratuity payable under the Bipartite Settlement of the Banking Industry. The exemption in respect thereof has been calculated under Section 10(10) of the Income-tax Act, 1961. The gratuity, net of income tax (wherever applicable) will be paid to you by the Gratuity Fund after completion of the necessary formalities and the Trustees.

11. Balance in your Provident Fund account will also be disbursed to you by the respective trust, separately after computation thereof.

12. The amount of annuity mentioned under "Additional Amounts due to you" is merely a notional indication and the same is payable by the bank's pension fund to the Life Insurance Corporation of India (LIC) for purchase of annuity in order to pay monthly pension to you effective from the date of termination of your services on 6th August, 2002. Furthermore, the amount of annuity to be purchased for pension and the monthly pension to be paid to you have been worked out making certain assumptions as to your marital status and your spouses' date of birth. The final figures of the pension to be paid to you are likely to be based on the exact information that you will provide to the Bank on the two points mentioned above. Workmen in the clerical category shall be entitled to a minimum pension of Rs. 3,000/- irrespective of their length of service.

13. Privilege leave to be encashed by you will be calculated in accordance with the Banks policy, after ascertaining the privilege leave to your credit as on the date of closure.

14. Sick leave to be encashed by you, at the rate of one day for every two days of sick leave due on full pay basis, will be calculated after ascertaining the sick leave to your credit as on the date of closure.

15. Please note that income-tax, at the rates applicable, will be deducted from the privilege leave encashment and sick leave encashment as and when the same is paid to you.

16. All loans (other than Housing Loan) together with interest accrued thereon* (calculated upto 25-3-2004) shall be deducted from the amounts due to you.

*Exact amounts to be worked out at the time of settlement of your dues.

17. The Housing Loan will be payable by you as per the original terms and conditions of the sanction. However, outstanding instalments of the loan payable (upto March, 2004) and interest accrued thereon* (calculated upto 25-3-2004) shall be deducted from the amounts due to you. Furthermore, you will have to provide 100 per cent security cover against the outstanding loan by way of fixed deposit with the Bank's New Delhi branch and/or National Savings Certificates and/or Central Government Securities. Part/full pre-payment of loan is acceptable to the Bank without any penal charges.

*Exact amounts of overdue instalments and interest to be worked out at the time of settlement of your dues.

18. The amount payable to you by way of 10 years' mediclaim premium has been worked out for a policy of Rs. 3,00,000 cover for you, yours spouse and two dependent children. This is based on certain assumptions as to your marital status, your spouse's date of birth and that you have two dependent children.

This statement has been prepared only on the basis of the information and explanations received from time to time and is based on the accuracy of the information contained herein. In case the same is not accurate, please inform the Management within 30 (thirty) days of date of receipt of these calculations.

ANNEXURE-C

RESOLUTION PASSED IN THE GENERAL BODY MEETING HELD ON 28TH MARCH, 2004

"Resolved that Shri Kuntal Majumdar and Shri Biswajit Pal (Office Bearers of Bank of Tokyo Ltd. Employees' Association) are hereby authorized to sign the Memorandum of Settlement with the Management on behalf of the workmen in the Industrial Dispute Reference No. 22 of 2002 pending before the Central Government Industrial Tribunal, Calcutta pertaining to

the closure of the BOTM, Calcutta branch and their consequent termination. They are also authorized to sign affidavits/letters/joint applications communications/ receipts and all other documents as may be required in order to amicably settle the matter and to do all such deeds and things as may be required to be done in this regard including the giving of the necessary statements before the Industrial Tribunal with respect to the full and final settlement between the parties. All such acts/ deeds/things done by the above mentioned office bearers in order to achieve the full and final settlement with the Management shall be deemed to be ratified by the workmen and the Bank of Tokyo Ltd. Employees' Association."

President
(J. SANYAL)

नई दिल्ली, 8 अप्रैल, 2004

का.आ. 1107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (संदर्भ संख्या आई.डी. 131/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-04-2004 को प्राप्त हुआ था।

[सं. एल-41012/73/87-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 8th April, 2004

S.O. 1107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 131/88) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 07-04-2004.

[No. L-41012/73/87-IR(B.1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : Shri B.N. Pandey

I.D. No. 131/88

Shri Ramji Lal through
Divisional Secretary,
Paschim Railway Karamchari Parishad,
Kota.

... Workman

Versus

The Divisional Railway Manager,
Western Railway, Kota

... Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41012/73/87-D-2(B) dated 1-12-88 has referred the following industrial dispute to this Tribunal for adjudication :—

"क्या डी.आर.एम., पश्चिम रेलवे, कोटा के प्रबंधन की श्री रामजीलाल के गैंगमैन के बारे में 30-6-86 से अस्थायी हैसियत वापस लेने की कार्रवाई न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है ?

क्या डी.आर.एम., पश्चिम रेलवे, कोटा के प्रबंधन की श्री रामजी लाल के गैंगमैन की सेवाएं 29-1-87 से समाप्त करने की कार्रवाई न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है ?"

2. The claim statement has been filed by the Divisional Secretary Paschim Railway Karamchari Parishad Kota against the illegal retrenchment and withdrawal of temporary status of Shri Ramji Lal, Gangman under Permanent Way Inspector, Lakheri. In the claim statement it has been *inter alia* alleged that the workman Ramji Lal was engaged as a casual labour under Inspector of Works (Survey and Construction) Western Railway Bharatpur in 1971 and worked there for about 18 months. Thereafter he was put to work in Bayana branches in the year 1973. After working at several places he was granted temporary status w.e.f. 19-10-84 and thereafter he had been enjoying all privileges upto 5-3-86. Unfortunately workman feel sick for the period 6-3-86 to 30-10-86 for which he submitted medical certificate. Thereafter he was taken on duty and continued as such for about 3 months. He was paid daily wages rate of casual labour; that on 20-1-87 workman was transferred from P.W.I Western Railway Lakheri to P.W.I (Complete Track Renewal) Baran without any written order. Thereafter he was again transferred from there to Lakheri on 28-1-87 where he performed night duty for one day only i.e. 28-1-87 and thereafter he was not taken on duty on 29-1-87, which tantamounts to illegal retrenchment as no notice or retrenchment compensation etc. was paid to him. Thereupon he raised an industrial dispute before the Assistant Labour Commissioner Kota and ultimately the conciliation proceedings failed. Hence this reference. It has been prayed that a direction may be issued to regularise the workman treating him on duty with all consequential benefits including temporary status, seniority etc. and payment of arrears.

3. The claim of the workman has been contested by the management by way of filing a written statement. In the written statement it was *inter alia* alleged that the workman while working under P.W.I Lakheri absented himself from duty from 6-3-86 to 25-10-86 without any information. That he attended office on 25-10-86 alongwith an application that his wife was sick for long time and therefore he could not join duty. He also submitted medical certificate on which the Assistant Engineer Sawai Madhopur ordered that he be taken on duty again; that on 20-11-86 he appeared before the Permanent way Inspector Lakheri alongwith another application to the effect that he himself was sick from 6-3-86 to 29-10-86 and was under treatment of private doctor. Therefore, the workman was re-employed as

casual labour on daily basis on 21-11-86. That on 31-1-87 workman gave an application to the PWI Lakheri that he did not want to continue in service and that his service card be returned to him. Accordingly service card was returned to the workman who left the service of his own accord. He was again re-employed on 10-5-87 and was granted temporary status w.e.f. 6-9-87; that the services of the workman were never terminated but he himself left the job of his own accord. It was further alleged that the workman is at present working in P.W.I (Complete Track Renewal) Sawai Madhopur hence the workman is entitled to no relief and his claim is liable to be dismissed.

4. Rejoinder was also filed by the workman.

5. Both the parties led their documentary as well as oral evidence through affidavit. The witnesses were also cross-examined by the other side.

5. At the time of arguments none appeared for the workman, therefore, I heard Id. representatives appearing on behalf of the respondent and perused the file.

6. The management has filed the original application given by the workman Ramji Lal in his own signatures with his thumb impression to Rail Path Inspector Lakheri requesting to return back his service card as he did not want to work. His request was accepted and he also received back his service card in presence of eye witnesses with have also signed the application.

7. In his cross-examination the workman stated that I have filed his case now for my wages. This itself goes to show that he is no more interested in pressing other relief. It has also come on the record that at present the workman is working at (Survey & Construction) in Jaipur and according to the management he wants to get the benefit of his earlier service in Railway for which he could not establish his claim. Therefore, in view of the above facts I find no force in the claim of the workman. I also find that there is nothing wrong in the action of the management of Western Railway in taking back temporary status of the workman on his own request and further terminating his services w.e.f. 29-1-87 I also find that the workman is entitled to no relief and his claim is liable to be dismissed. In the circumstances of the case both the parties shall bear their own costs. Award is given accordingly.

Dated : 2-4-2004

B.N. PANDEY, Presiding Officer

आदेश

नई दिल्ली, 19 अप्रैल, 2004

का०आ० 1108.—केन्द्रीय सरकार यह मानती है कि एफ सी आई प्रबंधन और उनके कर्मकारों के बीच, इसके साथ संलग्न अनुसूची के मामले में औद्योगिक विवाद है;

और जबकि दिल्ली उच्च न्यायालय ने रिट याचिका संख्या 2594/2002, 6170/2001, 6205/2001, 4530/2002, 3186/2002,

4267/2001, 4603/2002, 4602/2002, 1699/2001 तथा 1707/2001 में याचिकाओं का निपटान करते हुए, सर्वोच्च न्यायालय द्वारा रिट याचिका संख्या 422/2000 में निर्धारित कानून के अनुसार न्यायनिर्णयन हेतु याचिकाकर्ताओं/कर्मकारों को राष्ट्रीय औद्योगिक अधिकरण में जाने की छूट दी ;

और जबकि विवाद में राष्ट्रीय महत्व का प्रश्न शामिल है और इस प्रकृति का है कि इसमें एक से अधिक राज्यों के भारतीय खाद्य निगम रुचि ले सकते हैं या प्रभावित हो सकते हैं;

और जबकि केन्द्र सरकार का विचार है कि उक्त विवादों का न्यायनिर्णयन राष्ट्रीय अधिकरण द्वारा किया जाना चाहिए;

इसलिए अब, केन्द्र सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रीय औद्योगिक अधिकरण की स्थापना करती है जिसका मुख्यालय मुंबई में होगा और वर्तमान पीठासीन अधिकारी श्री एस.सी पांडे को सीजीआईटी संख्या 1, मुंबई का पीठासीन अधिकारी नियुक्त करती है तथा औद्योगिक विवाद अधिनियम की धारा 10 की उप-धारा (1क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त औद्योगिक विवाद को न्यायनिर्णयन हेतु उक्त राष्ट्रीय अधिकरण को संदर्भित करती है। उक्त राष्ट्रीय अधिकरण छह माह की अवधि के भीतर अपना पंचाट देगा।

अनुसूची

"क्या (i) बहेड़ी, (ii) खातिमा, (iii) भातू, (iv) इटवा, (v) मैनपुरी, (vi) भरूच, (vii) अलोपीबाग, (viii) कोलासिब, (ix) अलवर, (x) फगवाड़ा, (xi) कुमारघाट, (xii) विलियम्स नगर, (xiii) जिंद, (xiv) हिसार, (xv) उझनी, (xvi) सरहिंद (xvii) कटनगी, (xviii) वाराणसी, (xix) बालाघाट, (xx) पलवल, (xxi) मालुकपोंग, (xxii) असंध, (xxiii) कुलु, (xxiv) कोटेरा हमीरपुर, (xxv) बलसाड के एफ सी आई डिपो में कार्यरत ठेका श्रमिक एफ सी आई के डिपो के विभागीकृत श्रमिकों के बराबर वेतन तथा उन्हें उपलब्ध अन्य लाभों के पात्र हैं ? यदि हां, तो वे किन-किन लाभों के पात्र हैं ?"

[सं. एल-22012/325/2003-आई. आर. (सी.-II)]

एन. पी. केशवन, डैस्क अधिकारी

ORDER

New Delhi, the 19th April, 2004

S.O. 1108.—Where the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of FCI and their workman in respect to the schedule hereto annexed;

And whereas the Hon'ble High Court of Delhi in W.P. Nos. 2594/2002, 6170/2001, 6205/2001, 4530/2002, 3186/2002, 4267/2001, 4603/2002, 4602/2002, 1699/2001 and 1707/2001 disposed off the petitions granting liberty to the petitioners/

workman to approach national industrial tribunal for adjudication in terms of law laid down by the Supreme Court in the W.P. No. 422/2000;

And whereas the dispute involves question of national importance and also is of nature that the establishments of Food Corporation of India situated in more than one State are likely to be interested in, or affected;

And whereas the Central Government is of the opinion that the said dispute should be adjudicated by the National Tribunal;

Now therefore, the Central Government, in exercise of the powers conferred by Section 7B of the I.D. Act, 1947 (14 of 1947), hereby constitutes a National Industrial Tribunal with the Head Quarters at Mumbai and appoint Sh. S. C. Pandey, presently Presiding Officer, CGIT No. 1, Mumbai as its Presiding Officer, and in exercise of the powers conferred by Sub-section (1 A) of Section 10 of the I.D. Act hereby refers the said Industrial Dispute to the said National Tribunal for adjudication. The said National Tribunal shall give its award within a period of six months.

SCHEDULE

“Whether the contract workers in the depots of FCI at (i) Beheri, (ii) Khatima, (iii) Bhatu, (iv) Itawah, (v) Mainpuri, (vi) Bharuch, (vii) Alopibag, (viii) Kolasib, (ix) Alwar, (x) Phagwara, (xi) Kumar Ghat, (xii) Williams Nagar, (xiii) Jind, (xiv) Hissar, (xv) Ujhani, (xvi) Sarhind (xvii) Katangi, (xviii) Varasivani, (xix) Balaghat, (xx) Palwal, (xxi) Malukpong, (xxii) Asandh, (xxiii) Koolu, (xxiv) Kothara Hamirpur, (xxv) Balsad are entitled for the same pay and

other benefits as are available to the departmentalized labour in the depots of FCI? if so, to what benefits they are entitled?”

[No. L-22012/325/2003-IR (C-II)]

N. P. KESAVAN, Desk Officer

(उत्प्रवास प्रभाग).

नई दिल्ली, 26 अप्रैल, 2004

का०आ० 1109.—केन्द्रीय सरकार एतद्वारा, उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, त्रम न्यायालय में केन्द्रीय सचिवालय सेवा संवर्ग के अनुभाग अधिकारी श्री एन.के. नागर को दिनांक 1 अप्रैल, 2004 (पूर्वाह्न) से उत्प्रवास संरक्षी, हैदराबाद के रूप में नियुक्त करती है।

[सं. एस-13011/1/2003-उत्प्रवास]

महेश अरोड़ा, उप सचिव

(Emigration Division)

New Delhi, the 26th April, 2004

S.O. 1109.—In exercise of the powers conferred by Section 3, Sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri N.K. Nagar, Section Officer of the CSS cadre of Ministry of Labour, as Protector of Emigrants, Hyderabad with effect from 1st April, 2004 (Forenoon).

[No. S-13011/1/2003-Emig.]

MAHESH ARORA, Dy. Secy.